

CENTER FOR CREATIVITY, INNOVATION, AND DISCOVERY

Notification of Rights under FERPA

FERPA

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The Family Educational Rights and Privacy Act of 1974 (FERPA) requires that the school, with certain exceptions, obtain written consent prior to the disclosure of personally identifiable information from a student's education records. The school may disclose appropriately designated "directory information" without written consent unless a parent or guardian has advised the school to the contrary in accordance with established procedures.

Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords parents and guardians, as well as adult students, certain rights with respect to the student's education records. These rights are listed below:

- The right to inspect and review the student's education records within 45 days after the day the school receives a request for access. Parents or eligible students who wish to inspect their child's or their education records should submit to the Executive Director or appropriate school official a written request that identifies the records they wish to inspect. The school will arrange for access and notify the parent or eligible student of the time and place where the records may be inspected.
- The right to request an amendment of the student's education records that the parent, guardian, or eligible student believes are inaccurate, misleading, or otherwise in violation of a student's privacy rights under FERPA. Parents, guardians, or adult students who wish to ask the school to amend their child's or their education record should make a written request to the Executive Director, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent, guardian, or eligible student, the school will notify the parent, guardian, or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding hearing procedures will be provided to the parent, guardian, or eligible student when notified of the right to a hearing.
- The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which

permits disclosure without consent, is disclosure to school officials with legitimate educational interests.

Notification Requirements

The school provides this document to outline who is considered a school official and what constitutes a legitimate educational interest within the school as an institution or Local Education Agency (LEA).

Definitions of Education Officials with a Legitimate Educational Interest in a School's Record

The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest is set forth below and aligns with the requirements of FERPA:

- School Official: includes any person employed by the school in an administrative, supervisory, academic, or support staff position, such as teachers, instructors, counselors, principals, board members, or a parent or student volunteering to service on an official committee, such as a disciplinary, honor, or grievance committee;
- Other School Officials: A school official may also include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees, and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical provider, therapist, or behavior specialist; a parent, student, or other volunteer assisting another school official in performing an official task;
- School Officials at Other Educational Institutions: a school official is also defined as an individual employed by a student's school of enrollment as an administrator, supervisor, staff member, or similar who has a legitimate educational interest in a school's record;
- Legitimate Educational Interest: under FERPA, a legitimate educational interest means that a school official has a justifiable need to access a student's education record to fulfill their professional responsibilities, which typically includes tasks directly related to the student's education, discipline, or providing necessary services such as interventions, counseling, job placement, specialized services, or other services as outlined in their position description or employment agreement.

Notification of Disclosure of Education Records Without Consent

Upon request, the school discloses education records without consent to officials of another school or district in which a student seeks or intends to enroll or is already enrolled, if the disclosure is for purposes of the student's enrollment or transfer.

- FERPA permits the disclosure of PII from a student's education record, without consent of the parent or eligible student, if the disclosure meets certain conditions found in 34 CFR Part §99 (FERPA).
- 34 CFR Part §99 (FERPA) requires the school to record the disclosure of a student's education record, except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student.
- A parent, guardian, or an adult student has the right to inspect and review the record of disclosures.
- The school may disclose PII in the education records of a student without obtaining prior written consent of the parents or the eligible student to the following individuals or institutions:
 - To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests per this policy and 34 CFR Part §99 (FERPA);
 - To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of 34 CFR Part §99 (FERPA);
 - To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, such as the Utah State Board of Education (USBE);
 - Disclosures under this provision may be made, subject to the requirements of 34 CFR Part §99(FERPA), in connection with an audit or evaluation of federal or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs;
 - These federal entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met per 34 CFR Part §99(FERPA).
 - In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid,

determine the conditions of the aid, or enforce the terms and conditions of the aid;

- To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to 34 CFR Part §99 (FERPA);
- To organizations conducting studies for, or on behalf of the school, in order to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, as long as applicable requirements are met in accordance with 34 CFR Part §99 (FERPA);
- To accrediting organizations to carry out their accrediting functions;
- To parents of an eligible student if the student is a dependent for IRS tax purposes;
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met;
- To appropriate officials in connection with a health or safety emergency, subject to 34 CFR Part §99(FERPA);
- Information the school has designated as "directory information," if applicable requirements under 34 CFR Part §99 (FERPA) are met;
- To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student in foster care placement;
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.

Notification of the Right to File a Complaint

Parents, guardians, and adult students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA may be found below:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW

Washington, DC 20202