

## 5147-R Student Education Records and Protection of Pupil Rights

### Rights Under the Family Educational Rights and Privacy Act (FERPA) for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents, of (“non-eligible”) students under the age of 18 years of age, the right to have access to their student’s education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student (“eligible student”). The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99.

The Family Educational Rights and Privacy Act (FERPA) affords a non-eligible student’s parents or the eligible student certain rights with respect to the student’s education records. These rights are:

- The right to inspect and review the student’s education records within 45 days of the day the school receives a request for access.
  - Parents or eligible students should submit to the school principal, or appropriate school official, a written request identifying the record(s) they wish to inspect.
  - The school official will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.
- The right to request the amendment of the student’s education records the parents or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.
  - Parents or eligible students who wish to ask the school to amend a record should write the school principal, or appropriate school official, clearly identifying 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 or eligible student, the school will notify the parents or eligible student of the decision and advise them of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.
- The right to privacy of personally identifiable information in the student’s education records, except to the extent FERPA authorizes disclosure without consent.
  - One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a

person or company with whom the school has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee (such as a disciplinary or grievance committee); or a parent, student, or other volunteer assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

- Upon request, the school discloses education records, including disciplinary board action, without consent to officials of another school district in which a student seeks or intends to enroll.
- 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 administering FERPA follows:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

### **Notice for Directory Information**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires Campbell County School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your **student's** education records. However, Campbell County School District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow Campbell County School District to include this type of information from your **student's** education records in certain school publications. Examples include:

- A playbill showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories- names, addresses and telephone listings; unless parents have advised the LEA they do not want their student's information disclosed without their prior written consent.

If you do not want Campbell County School District to disclose directory information from your student's education records without your prior written consent, you must notify the District in writing by September 20, or within thirty days of registering.

Campbell County School District has designated the following information as directory information:

- Student's name;
- Address;
- Grade level;
- Photograph;
- Participation in officially recognized activities and sports;
- Telephone listing;
- Weight and height of members of athletic teams;
- Degrees, honors, scholarships, and awards received; and
- The most recent educational agency or institution attended.

### **Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys; collection and use of information for marketing purposes; and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey concerning one or more of the following protected areas (protected information survey) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  - Political affiliations or beliefs of the student or student's parent;
  - Mental or psychological problems of the student or student's family;
  - Sex behavior or attitudes;
  - Illegal, anti-social, self-incriminating, or demeaning behavior;
  - Critical appraisals of others with whom respondents have close family relationships;
  - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - Religious practices, affiliations, or beliefs of the student or parents; or
  - Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:
  - Any protected information survey, regardless of funding;
  - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student; except for hearing, vision, or scoliosis screenings; or any physical exam or screening permitted or required under State law; and
  - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect upon request and before administration or use:
  - Protected information surveys of students;

- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Campbell County School District has developed and adopted policies regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

Campbell County School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes.

Campbell County School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt their student out of participation of the specific activity or survey.

Campbell County School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys and be provided an opportunity to opt their student out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution,
- Administration of any protected information survey not funded in whole or in part by ED, and
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

### **PPRA Notice and Opt-Out for Specific Activities**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires Campbell County School District No. 1 (“CCSD”) to notify you and obtain consent or allow you to opt your student out of participating in certain school activities. These activities include a student survey, analysis, or evaluation concerning one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings. CCSD will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities, and provide an opportunity to opt their student out, as well as an opportunity to review the surveys. (Please note, this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

ADOPTION DATE: September 14, 1976; Revised March 25, 1986; February 8, 1993; May 8, 1995; Revised January 27, 2004; Reviewed June 9, 2009; Major Revision September 28, 2010, Revised March 10, 2020

LEGAL REFERENCE(S): Public Law 101-476 Individuals with Disabilities Education Act (I.D.E.A.), Public Law 93-380, Family Educational Rights and Privacy Act (FERPA), Wyoming Rules and Regulations Governing Services for Children with Disabilities, The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h

CROSS REFERENCE: 5147

ADMINISTRATIVE REGULATION: