



Family Educational Rights and Privacy Act (FERPA)

Email from Dale Dennis, KSDE ...

The U.S. Department of Education has released final regulations amending the *Family Educational Rights and Privacy Act (FERPA)*. The regulations have been published in the Federal Register and can be accessed here:

<http://www.federalregister.gov/articles/2011/12/02/2011-30683/family-educational-rights-and-privacy>. The regulations will be effective January 3, 2012. ([57 page .pdf version of regulations](#))

You may recall that the revised regulations attempt to give greater flexibility to states to share data that can be helpful in judging the effectiveness of educational programs and institutions, while maintaining safeguards to student privacy. You can visit the USDOE's Family Policy Compliance Office (FPCO) website (<http://www2.ed.gov/policy/gen/guid/fpcol/>) to view important documents that are being released with the new regulations, including two overview documents regarding the changes — one for state and local education agencies and another for parents and students. These documents may prove useful in communicating the regulation changes with your staff and community. Other documents available on the site include Guidance for Reasonable Methods and Written Agreements and updated model notifications for local education agencies.

Should you have questions about any of the issues raised in these final regulations, you may e-mail the FPCO at FERPA@ed.gov.

The Family Educational Rights and Privacy Act (FERPA) gives parents, and students over 18 years of age, certain rights concerning a student's school records. They have the right to:

- Look at and review the student's school records within 45 days of the day they make a request. A written request should be given to the school principal that identifies the record(s) they wish to look at. The principal will tell them within 45 days the time and place where the records may be seen.
- Ask for a change to the student's school record that they think is not correct or is misleading. A letter to the school principal should explain why the record is not correct and clearly identify what part of the record needs to be changed. If the school does not change the record, parents (or eligible students) have the right to a hearing.
- Approve the release of identifiable information contained in the student's school records, except for information that FERPA can release without having permission. One permitted exception is for the release of information to "school officials" with legitimate educational interests. A school official is a person employed by the school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the school district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. School officials have legitimate educational interests if they need to examine a school record in order to complete a task.
- File a complaint with the U.S. Department of Education about suspected failures by the school district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington, D.C. 20202-5920

Directory Information

FERPA also requires that the KCK Public Schools, with certain exceptions, obtain written consent from parents, or students who have reached the age of 18, prior to the disclosure of personally identifiable information from education records.

However, the school district may disclose appropriately designated "directory information" without written consent, unless you have advised the school district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the school district to include this type of information in certain school publications. Examples include:

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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent.

Access for Military Recruiters

In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the school district that they do not want their student's information disclosed without their prior written consent.

If you **do not want** the KCK Public Schools to disclose directory information from your child's education records, or from your education records if you are 18 years of age, without your prior written consent, you must notify the school district in writing. Please address a letter or a completed **military "opt out" form** [.pdf](#) to:

Lisa Garcia
Director of Student Services
KCK Public Schools
2010 N. 59th Street
Kansas City, KS 66104

The following information is considered directory information: student's name, address, telephone listing, date of birth, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and most recent educational agency or institution attended.