

**FERPA POLICY**  
**THE ACCELERATED SCHOOLS POLICY**  
**ON PROTECTION OF STUDENT RECORDS**

State and federal laws strictly regulate the protection of students' educational record information. This policy describes the protections required by law. Violations of this policy could result in a lawsuit against the District and/or any employee that permits an improper disclosure.

This "Family Educational Rights and Privacy Act (FERPA)" policy must be followed any time there is a request for access to or the possibility of the "disclosure" of the contents of a student's educational records. As used in this policy, "disclosure" means to permit access to or the release or other communication of information contained in student records, by any means, including oral, written, or electronic. Please note that improperly disposing of student records can constitute a "disclosure" under the law. Use secure disposal methods, such as the shredding of paper records.

In any case where there is a question about whether student record information should be disclosed, contact the Office of the CEO as soon as possible. In all cases, disclosure may occur only in accordance with the terms of this policy.

**1. What kind of information is being requested?**

Two general categories of student information must be protected by all District employees—"Confidential Student Information" and "Directory Information." The following general rules apply:

**"Confidential Student Information"**

"Confidential Student Information" includes any item of information, other than Directory Information, that is directly related to an identifiable District student and is maintained in the student's educational records or in any files maintained by a District employee. The format of the information does not matter—items recorded by handwriting, print, tapes, film, microfilm, hard disk or any means can all qualify as Confidential Student Information. The general rule is that Confidential Student Information may not be released without written consent from a parent or legal guardian. Exceptions to this rule are detailed below. In any event, Confidential Student Information may only be disclosed in accordance with this policy.

If you have any questions about whether or not Confidential Student Information may be disclosed, contact the Office of the CEO before any disclosure is made.

**"Directory Information"**

"Directory information" means a student's name, address, telephone number, date and place of birth, dates of attendance, and most recent previous public or private school attended. Student email addresses, and class schedules are not considered Directory Information and generally may not be released without consent.

Directory Information may not be disclosed to or accessed by private, profit-making entities other than the following: current and potential employers of District students, representatives of the news media, accredited colleges and universities, the PTA, Health Department, elected officials and the military (17 and 18 year olds only; name address and telephone only). If you have questions about whether Directory Information should be released call the Office of the CEO before releasing the information.

A student's parent or legal guardian (or, in some cases, a student) may notify the District of any information they refuse to permit the District to designate as directory information about that student. This designation will remain in effect until the parent or legal guardian (or, in some cases, the student) modifies this designation in writing. When this request has been made, written consent is required before disclosing the applicable Directory Information relating to that student. The procedure for obtaining consent is described below. Questions about releasing Directory Information should be directed to the The Office of the CEO.

## **2. Is there an emergency requiring the disclosure of student information?**

Any time an emergency creates an immediate danger to the health or safety of a student or other individuals, consent is not required to disclose Confidential Student Information to persons in a position to deal with the emergency, as long as (1) the emergency has been verified by a teacher or other school official, and (2) knowledge of the Confidential Student Information is necessary. Disclosure should be limited to only that Confidential Student Information that is necessary under the circumstances.

## **3. Who is requesting access to student records?**

A request for disclosure of Confidential Student Information will come from one of these four kinds of requesters: (1) the student or his or her parent; (2) a District employee; (3) a representative or agent of a state or federal government (other than a District employee), such as representatives of departments of education, law enforcement agencies, and state and federal courts; or, (4) a third party not within any of the first three categories. Each of these possible requesters is discussed below.

For purposes of this policy, a student's "parent" is his or her natural parent, adopted parent, or legal guardian. If a student's parents are divorced or legally separated, only the parents with custody have rights under this policy unless the student's file contains a written agreement signed by both parents indicating that either parent may access student records and give consent to disclosure.

### Requests from Parents and Students

Confidential Student Information may be disclosed to students and parents as follows:

The parent of a currently enrolled or former student under the age of 18 may access Confidential Student Information concerning his or her student, as may the parent of any student over the age of 18 who is considered a "dependent."

Any student who is 16 years of age or older, or who has completed the 10th grade, may access Confidential Student Information about himself or herself.

Once a student reaches the age of 18, the student is thereafter the only person who is entitled to exercise rights related to, and grant consent for the disclosure of, his or her Confidential Student Information contained in those records.

### Requests from District Employees and Representatives

Confidential Student Information may only be disclosed to District staff who will be using the information for internal District purposes in connection with their assigned duties and have a legitimate interest in the information. District representatives include teachers, school administrators, and District administrative personnel. In addition, Confidential Student Information may be disclosed without consent to any established member of a school attendance review board with a legitimate educational interest in the requested information. Disclosure to any other District employee or representative for any other purpose (including for any use with persons or organizations outside the District) requires written consent from the student's parent or legal guardian.

### Requests from Government Representatives

Any request for Confidential Student Information from an agency, official, or other representative of a state or federal government must be promptly referred to the Office of the CEO, which will respond to the request. Examples of this kind of request include a subpoena, summons or other demand by a court or administrative tribunal, a request from probation officer conducting any kind of investigation, or a request made by a police officer, state or federal criminal investigator, or a truancy officer. Requests from District Police do not require referral to the Office of General Counsel.

### Requests from Third Parties

The general rule is that Confidential Student Information cannot be released to third parties without written consent from a parent or legal guardian. There are, however, exceptions. Confidential student information may be disclosed without consent in response to a request from:

- Officials at private schools and in other school systems where a student intends or seeks to enroll;
- Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid (but only as may be necessary to determine the student's eligibility for financial aid, the amount of the financial aid, or conditions that will be imposed in connection with the financial aid, or to enforce the conditions of the financial aid); and
- County elections officials, only for the purpose of identifying students who are eligible to vote and conducting programs offering students the opportunity to register to vote.

The District may provide aggregate and statistical data to third parties where such data is not personally identifiable to any individual student. Under FERPA, the definition of personally identifiable information includes "any set of facts that makes a student's identity easily discernable." Therefore, the demographic break down of the student population from which the data is extracted and the size of the pool of students used for such data analysis must be taken into consideration so that it is not easy to discern any individual student's identity. Further, no information that could be used to identify a student, such as student identification number, address, telephone number or social security number may be included.

For all other requests from third parties, consent must be obtained before Confidential Student Information may be disclosed. All questions about disclosing Confidential Student Information to a third party, or about the manner in which consent must be obtained, should be referred to the Office of General Counsel as quickly as possible after receipt of any request.

#### Requests from Military Recruiters

The No Child Left Behind Act requires secondary schools to provide students' names, addresses, and telephone listings to military recruiters and to institutions of higher education when they request that information. The District is required to provide this information unless the parent, guardian or, in some cases, the student, has made an election to refuse to allow disclosure of that information without prior written consent.

#### **4. Has the proper written consent been obtained?**

“Consent” under this policy means written consent, which must come either from a student’s parent or an adult student, as applicable. Consent must be obtained on the District’s standard form for consenting to the disclosure of Confidential Student Information, and all blanks on the form must be fully and accurately completed before any information may be released. Any consent to disclose Confidential Student Information (which includes Directory Information for those students whose file includes a written request to withhold Directory Information) must specify the student records to be released, must identify the party or class of parties to whom the records may be released, and must be permanently kept within the student’s cumulative file.

#### **5. Are there any other questions or concerns?**

Any and all other questions and concerns about student record information and the disclosure of any student record information should be directed to the Office of the CEO, which can assist in all matters related to this policy and to complying with its terms.