



Annual Notification of Rights under FERPA Westerville School District

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 year of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the District receives a request for access.

Parents or eligible students should submit to the school principal (or appropriate District official) a written request that identifies the record(s) they wish to inspect. The District official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of the privacy rights of the student. The parent(s) or eligible student shall write the school principal (or appropriate official), clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of the privacy rights of the student. The school principal shall decide whether he/she will amend the record within a reasonable time of the request, not to exceed forty-five (45) days after the request is made. If the school principal decides to grant the request, he/she shall amend the record accordingly. If the school principal decides not to amend the record as requested by the parent or eligible student, the school principal shall notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedure will be provided to the parent or eligible student when they are notified of the right to a hearing. If, as a result of any hearing held, it is determined that the information is inaccurate, misleading or otherwise in violation of the student's privacy rights, the record shall be amended accordingly, and the parent or eligible student shall be notified of the amendment in writing. If, as a result of any hearing held, it is determined that the information in the education record is not inaccurate, misleading, or otherwise in violation of the student's privacy rights, the parent or eligible student shall be so informed and shall be advised of the right to place a statement in the record commenting on the contested information and/or stating why he or she disagrees with the decision of the District. If the District places such a statement in the student's education records, the District shall maintain the statement with the contested part of the record as long as the record is maintained and shall disclose the statement whenever it discloses the portion of the record to which the statement relates.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to School officials with legitimate educational interests. A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. Persons and/or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant), and
- B. Contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers)

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board or its assigns with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided he/she meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" is defined as a direct or delegated responsibility for helping the student achieve one or more of the educational goals of the District, or if the record is necessary in order for the School official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family.

The District also discloses student education records without consent of the parents or eligible student under the following circumstances:

- a. Upon request, to officials of another school, school district or system, or post-secondary education institution in which a student has enrolled or seeks or intends to enroll. In addition, the School may disclose a student's education record to another educational agency or institution if the student receives services from the other educational agency or institution;
- b. To authorized federal officials or state or local educational authorities;
- c. The disclosure involves necessary information in connection with financial aid for which the student has applied or which the student has received;
- d. The disclosure is to state and local officials or authorities and is allowed to be reported or disclosed pursuant to a state statute adopted before November 19, 1974, if the allowed reporting and disclosure concerns the juvenile justice system and the system's ability to effectively serve the student prior to adjudication; and, where disclosure of information is permitted by a state statute adopted after November 19, 1974, the state official and authorities to whom the records are disclosed certify in writing to the school that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the student's parent;
- e. To organizations conducting studies for or on behalf of, educational agencies or institutions in order to develop, validate or administer predictive tests, administer student aid programs, or improve instruction;
- f. To accrediting organizations to carry out their accrediting functions;
- g. The disclosure is to parents of a dependent student, as defined in the Internal Revenue Code;
- h. To comply with a judicial order or subpoena;
- i. In a health or safety emergency, where necessary to protect the health and safety of the student or other individuals; or
- j. The disclosure is to the parent of a student who is not an eligible student or to the student.

"Directory information" is personally identifiable information that is contained in an educational record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Subject to this definition, the District has designated the following personally identifiable information in a student's education record as "directory information" and will disclose that information without prior written parental or eligible student consent, except when the request is for a profit-making plan or activity: a student's name, major field of study, dates of attendance, current grade level, participation in officially-recognized extra-curricular activities and sports, height and weight if a member of an athletic team, date of graduation, honors and awards received, and the current and previous educational institution attended by the student.

In addition to the above, the District releases the names, addresses, and telephone listings of secondary students to military recruiters for any branch of the United States Armed Forces, or to an institution of higher learning, that requests such information, unless the secondary student or parent of the secondary student requests that such information not be released without prior parental consent.

Parent(s), guardian(s) or eligible students shall provide notice to advise your school principal by September 30 of the current school year, in writing, of any or all of the above items that should not be released without the parent's or eligible student's prior consent.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the 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 Avenue, SW
Washington, DC 20202-4605