

# Family Educational Rights and Privacy Act (FERPA) Notice

The Family Educational Rights and Privacy Act is a federal law that protects the accuracy and privacy of students' educational records.

The Family Educational Rights and Privacy Act (FERPA), F.S. 1002.22, F.S. 1002.221 and SB Policy 5100.1 afford parents, guardians or eligible students (students over 18 years of age or attending a postsecondary institution) certain rights with respect to the student's education records maintained by the District. These rights are:

1. The right to inspect and review a student's education records within 30 days of the day the District receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. When the educational records contain information about more than one student, parents may review the information related only to his or her child. E-mails not maintained in a student's file folders kept by the schools or District departments are not educational records. In addition, records created and maintained by Broward District Schools Police (the District's law enforcement unit) are not educational records.
2. The right to request the amendment of a student's education records. Parents or eligible students may ask the Broward County School District to amend a record that they believe is inaccurate, misleading, or in violation of the student's privacy rights. They should write the school principal, clearly identify the part of the record they want changed, and specify the reasons for the request. If the District decides not to amend the record as requested, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing within a reasonable period of time regarding the request for amendment. Additional information regarding the hearing procedures will be provided when the parent or eligible student is notified of the right to a hearing.
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. FERPA permits disclosure without consent in many situations, including, to a school official<sup>1</sup> with a legitimate educational interest<sup>2</sup>, to appropriate parties in connection with an emergency if necessary to protect the health or safety of the student or other individuals, to an agency caseworker or representative of a state or local child welfare agency, or tribal organization, when the agency is legally responsible for the care and protection of the student, and to governmental agencies. Additional requirements and conditions may apply to non-consensual disclosures. When disclosure is made in response to a court order or subpoena, the parent/guardian/majority age student will be notified, except where the law prohibits said notification.

## Types of Directory Information:

"Directory Information" is personally identifiable information that would not generally be considered harmful or an invasion of privacy if disclosed. Pursuant to the Family Educational Rights and Privacy Act (FERPA), The School Board of Broward County, Florida (SBBC) may disclose - in its discretion - directory information of a student in any grade level, if the parent or student age 18 or over did not "opt out" of the disclosure. SBBC designates the following as "directory information": student's name, parent's name, residential address, telephone number(s), date and place of birth, major field of study, participation in school-sponsored activities and sports, height and weight of athletic team members, school grade level, room number, dates of school attendance, degrees and awards\* and the name of the most recent previous school or program attended.

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1. *School official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health and medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special function that would normally be performed by SBBC personnel (such as an attorney, auditor, medical consultant or therapist); a clerical or paraprofessional staff member assisting another school official in performing his or her professional duties.*
  2. *Legitimate educational interest exists when a school official needs to review an educational record in order to fulfill his or her professional responsibility.*

## Purposes of Disclosure:

The School Board reserves the right to release Directory Information only (a) to colleges, universities or other institutes of higher education in which the student is enrolled, may seek enrollment or may be recruited, (b) for school publications, instructional materials and other school communication tools (including, but not limited to, yearbooks, athletic programs, graduation programs, recruitment brochures, theatrical programs, school and District websites, social media, and postings and displays throughout the school facility), (c) to Broward County health officials for purposes of communicating with parents to address conditions of public health importance as determined by Florida Department of Health (64D-3, F.A.C.), including information to meet or to prepare for a potential or confirmed health threat; or (d) to class reunion committees (and the like) for purposes of class reunion activities.

Parents/guardians of students in any grade level (or eligible students, those over the age of 18 or attending a postsecondary institution) may opt out of (refuse to permit) the release of any or all of the above Directory Information. On the FERPA Opt Out Form provided in this Code of Student Conduct, parents/guardians or eligible student must indicate the types of Directory Information they do not want disclosed. The FERPA Opt Out Form must be submitted to the school principal annually.

The School Board of Broward County may also release student name, address, and telephone number of 11<sup>th</sup> and 12<sup>th</sup> grade students to the armed services, military recruiters, and/or postsecondary institutions. Parents/guardians of students or eligible students in 11<sup>th</sup> and 12<sup>th</sup> grade may opt out of having Directory Information provided to the armed services, military recruiters, and/or postsecondary institutions. On the Every Student Succeeds Act (ESSA) Opt Out Form provided in this Code of Student Conduct, parents/guardians and eligible students must indicate the categories they wish not be disclosed. The ESSA Opt Out Form must be submitted to the school principal annually.

*\*Note: Degrees and Awards include exemplary work (including art work), recognitions of all types, and graduation status (i.e., a list of graduating students), and excludes Grade Point Average (GPA).*

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, S.W. • Washington, DC 20202-4605.**

If you wish to discuss and try to resolve any FERPA concerns before contacting the Family Policy Compliance Office, you may contact the SBBC Privacy Officer at 754-321-1914.

For additional information refer to SB Policy 5100.1. This policy outlines the privacy rights of parents and students with respect to students' educational records. You may view the complete student records policy and all School Board policies on the Web at: <http://www.broward.k12.fl.us/sbbcpolicies/>.