

Family Educational Rights and Privacy Act (FERPA) Notice

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

FERPA, F.S. §1002.22, F.S. §1002.221 and SB Policy 5100.1 (Student Records: Confidentiality and Family Educational Rights) 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 education records contain information about more than one student, a parent 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 education records. In addition, records created and maintained solely by Special Investigative Unit (SIU) are not education records.
2. **The right to request the amendment of a student's education records.** Parents or eligible students may ask The School Board of Broward County, Florida (SBBC) to amend a record 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 written consent.** FERPA permits disclosure without written consent in many situations, including:
 - a. to SBBC school officials¹ with a legitimate educational interest²,
 - b. to contracted outside agencies and organizations, whose personnel perform their duties in a "school official" role and who are prohibited from re-disclosing personally identifiable information from education records, except as required or permitted by law,
 - c. to school officials of other institutions for the purposes of student transfer or student enrollment,
 - d. to authorized federal, state and local officials, including educational authorities, and for audits or evaluations of federal and state supported programs,
 - e. to comply with judicial orders or lawfully issued subpoenas; the parent/guardian/majority age student will be notified in advance of SBBC's intent to comply in ten (10) days so the parent or majority age student may seek protective action, except where the law prohibits or does not require said notification,
 - f. to appropriate parties in connection with a health or safety emergency, and,
 - g. 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.

Additional requirements and conditions may apply to non-consensual disclosures. See SB Policy 5100.1 for a full listing of FERPA-permitted disclosures for which prior written consent is not required.

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 FERPA, 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 of birth, place of birth, major field of study, participation in school-

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.

sponsored activities and sports, height and weight of athletic team members, jersey number and team position of athletic team members, school grade level, dates of school attendance, degrees and awards*, the name of the most recent previous school or program attended, and room number.

**Note: Degrees and awards include exemplary work (including artwork), recognitions of all types, and graduation status (i.e., a list of graduating student(s), and exclude Grade Point Average (GPA).*

Purposes of Disclosure of Directory Information:

SBBC 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 athletic events, 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, and/or
- d. to class reunion committees (and the like) for purposes of class reunion activities

Opt Out Procedure:

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 Notification Form provided in the Code Book for Student Conduct, parents/guardians or eligible student must indicate the types of Directory Information they do not want disclosed. The FERPA Opt Out Notification Form must be submitted to the school principal annually. Regarding former students, SBBC shall continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance, unless the former student rescinds the opt out request (34 CFR §99.37(b)).

Note: Opt out choices on the FERPA Opt Out Notification Form will be effective until the parent or student (age 18 or older) submits a new form.

Disclosures to Military, Armed Forces and Postsecondary Institutions:

SBBC is required to disclose, upon request, student name, address, and telephone number of **11th and 12th grade students** to the armed services, military recruiters, and/or postsecondary institutions without prior written consent, unless the parent/guardian or eligible student opts out of disclosure. Parents/guardians of students or eligible students in 11th and 12th grade may opt out of having student's name, address and telephone number provided to the armed services, military recruiters, and/or postsecondary institutions. On the Every Student Succeeds Act (ESSA) Opt Out Form provided in the Code Book for 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.

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 **Student Privacy Policy Office • U. S. Department of Education • 400 Maryland Avenue, S.W. • Washington, DC 20202**. If you wish to discuss and try to resolve any FERPA concerns before contacting the Student Privacy Policy 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' education records. You may view the complete student records policy and all School Board policies on the Web at: <https://www.browardschools.com/Page/37754>.