

Family Educational Rights and Privacy Act (FERPA)

FERPA affords parents and eligible students (over 18 years of age or attending a postsecondary institution) 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 school receives a request for access. Parents or eligible students should submit to the principal [or appropriate official] a written request that identifies the records they wish to inspect. The principal or designee 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 under FERPA. To request amendment of a student record, parents or eligible students should submit to the school principal a written request, specifying the part of the record they want changed and why it is inaccurate, misleading, or otherwise in violation of the student's privacy rights. If the school decides not to amend the record, it will notify the parents or eligible students of the decision and inform them of their right to a hearing. Additional information regarding the hearing procedure will be provided with the notification of the right to a hearing.

(3) The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that disclosure without prior written consent is authorized by FERPA and its implementing regulations at 34 C.F.R. § 99.31.

One exception that permits disclosure without consent is to school officials with legitimate educational interest. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility. A school official is a person employed by the school district as an administrator, supervisor, instructor, or support staff member (including school nurses and school resource officers); a member of the school board; a person or company with whom the district has contracted to perform a specific task (such as attorney, auditor, medical consultant, therapist, or online educational services provider); a contractor, consultant, volunteer, or other party to whom the school district has outsourced services, such as electronic data storage; 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. The district allows school officials to access only student records in which they have a legitimate educational interest. School officials remain under the district's control with regard to the use and maintenance of PII, which may be used only for the purpose for which disclosure was made, and cannot be released to other parties without authorization.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

(4) FERPA requires the school district, with certain exceptions, to obtain written consent prior to the disclosure of personally identifiable information from the student's education records. However, the district may disclose appropriate designated "directory information" without written consent, unless the parent or eligible student has advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the school to include this type of information from the student's education records in certain school publications, such as the annual yearbook, graduation or sports activity programs, honor roll or other recognition lists, or on websites or social media sites affiliated with the school or school district. The School District has designated the following information as directory information: (a) Student's name, address and telephone number; (b) Student's date and place of birth; (c) Student's e-mail address; (d) Student's participation in official school activities and sports; (e) Weight and height of members of an athletic team; (f) Dates of attendance at schools within the district; (g) Honors and awards received during the time enrolled in district schools; (h) Photograph; and (i) Grade level. Unless you, as a parent/guardian or eligible student, request otherwise, this information may be disclosed to the public upon request. In addition, two federal laws require school districts receiving federal financial assistance to provide military recruiters, upon request, with students' names, addresses, and telephone numbers unless parents have advised the school district that they do not want their student's information disclosed without their prior written consent. You have the right to refuse to allow all or any part of the above information to be designated as directory information and to refuse to allow it to be disclosed to the public upon request without your prior written consent. If you wish to exercise this right, you must notify the principal of the school at which the student is enrolled annually in writing by September 30th or within 10 school days of an enrollment after the start of the student school year.

(5) You are also notified that from time to time students may be photographed, videoed, or interviewed by the news media at school or at some school activity or event. The principal will take reasonable steps to control access to students by the media or other individuals not affiliated with the school or district. However, your submission of a written objection does not constitute a guarantee that your student will not be photographed, videoed, or interviewed, or that such information will not be posted on websites or social media sites not affiliated with the school or district or in circumstances which are not within the knowledge or control of the principal.

(6) You have the right to file with the U. S. Department of Education a complaint concerning alleged failures by the school district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. (7) The Georgia Student Data Privacy, Accessibility, and Transparency Act affords parents and eligible students the right to file a complaint with the school district regarding a possible violation of rights under O.C.G.A. § 20-2-667 or under other federal or state student data privacy and security laws. Such complaints may be filed with: Hall County School District, 711 Green Street Gainesville, Ga. 30501 Attn: Anthony Swaim

