

MHA Notice of FERPA Student Directory Information and Family Educational Rights

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information (PII) from your child's education records. You can find additional information at:

<https://studentprivacy.ed.gov/resources/parent-guide-family-educational-rights-and-privacy-act-ferpa>

Directory Information:

Schools may disclose appropriately designated "directory information" without written consent, unless you have advised the school, in writing, to the contrary. The primary purpose of directory information is to allow a school to include information from your child's education records in certain school publications. Examples include but are not limited to:

- The annual yearbook;
- Recognition and participation lists;
- Graduation programs;
- Newsletters;
- To designated classroom parent

Directory information may also be disclosed to outside organizations without a parent's prior written consent, for example, to companies that publish yearbooks.

If you do not want the disclosure of any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify the school in writing within a reasonable amount of time. The following information is designated as directory information:

- Student name
- Photograph or video
- Grade level
- Participation in officially recognized activities
- Parent email to the designated classroom parent

Other Allowed Disclosures of Personally Identifiable Information (PII):

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, FERPA regulations require the school to record the disclosure. Parents and eligible students have a

right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- Information the school has designated as “directory information”
- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student’s State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to:
(a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met.
- To appropriate officials in connection with a health or safety emergency.
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when

such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement.

The Family Educational Rights and Privacy Act (FERPA) also affords parents and students who are 18 years of age or older ("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 a request is received.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school 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 under FERPA. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment.

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 FERPA authorizes disclosure without consent.

FERPA permits disclosure without consent to school officials with legitimate educational interests. A school official includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or 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 and the disclosure is initiated by the parent or eligible student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202