

## Annual FERPA Notification

The Family Educational Rights and Privacy Act (FERPA), a federal law administered by the Department (20 U.S.C. § 1232g; 34 CFR Part 99), affords parents and “eligible students” (students who are at least 18 years old, or, in attendance at a postsecondary institution at any age) certain rights with respect to education records, such as the right to consent to the disclosure of personally identifiable information (PII) from the education records (except in certain circumstances).

Educational Records: “Education records” refers to records, files, documents and other materials which:

Contain information directly related to a student, including: state and national assessment results, including information on untested public school students; course taking and completion, credits earned and other transcript information; course grades and grade point average; date of birth, grade level and expected graduation date or graduation cohort; degree, diploma, credential attainment and other school exit information such as receipt of the GED and drop-out data; attendance and mobility; data required to calculate the Federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information; discipline reports limited to objective information sufficient to produce the Federal Title IV annual incident report; remediation; special education data; demographic data and program participation information; and

Are maintained by the school or school district or a person acting for the school or school district.

Personal Identifiable Information (PII): Personal identifiable information (PII) includes, but is not limited to:

The student’s name;

The name of the student’s parent or other family members;

The address of the student or student’s family;

A personal identifier, such as a student ID number, or biometric record;

Other indirect identifiers, such as student’s date of birth, place of birth, and mother’s maiden name;

Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

Information requested by a person who the school or school district reasonably believes knows the identity of the student or whom the education record relates.

Directory Information: Directory information is information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The types of personally identifiable information the school or school district has designated as directory information, but is not limited to:

Student's name;

Address;

Telephone listing;

Electronic mail address;

Photograph;

Grade level;

Date of Birth;

Major field of study;

Enrollment status (e.g., undergraduate or graduate, full-time or part-time);

Participation in officially recognized activities and sports;

Dates of attendance;

Weight and height of members of athletic teams;

The most recent educational agency or institution attended;

Degrees, honors, and awards received;

Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user;

A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

### III. LEA RESPONSIBILITIES

The school or school district shall:

Annually notify parents and guardians of their rights to request student information;

Annually notify parents and guardians of its definition of personally identifiable information;

Annually notify parents and guardians of its definition of directory information;

Adopt procedures to ensure security when providing student records to parents or guardians;

Adopt procedures to ensure student records and data are provided only to authorized individuals; and

Provide student records and data within forty-five (45) calendar days of a request.

The school shall not collect individual student data on a student's;

Political affiliation;

Religion;

Voting history;

Firearms ownership.

The school or school district shall not collect individual student data on a student's biometrics, analysis of facial expression, EEG brain wave patterns, skin conductance, galvanic skin response heart rate variability pulse, blood volume, posture, and eye-tracking, without written consent of the parent or student.

#### IV. NOTICE FOR DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Tullahoma City Schools (TCS), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, TCS may disclose appropriately designated "directory information" without written consent, unless you have advised the school to the contrary in accordance with TCS procedures. The primary purpose of directory information is to allow the school or school district to include this type of information in certain school publications. Examples include, but are not limited to:

A playbill, showing your student's role in a drama production;

The annual yearbook;

Honor roll or other recognition lists;

Graduation programs; and

Sports activity sheets, such as for football, basketball or wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that

manufacture class rings or publish yearbooks. In addition, now Federal laws require the school, because it receives assistance under the Elementary and Secondary Education Act of 1965 (ESEA), to provide military recruiters, upon request, with the following information- names, addresses and telephone listings-unless parents have advised the school that they do not want their student's information disclosed without their prior written consent.

Annually, the school or school district must notify parents and students of information it will release as directory information, and of the parents right to exercise his/her right to advise the school that consent for release of such information is denied. The link to this policy is your notice.

#### V. NOTICE OF PARENTAL RIGHTS CONCERNING EDUCATION RECORDS

The Family Educational Rights and Privacy Act (FERPA) 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:

The right to inspect and review the student's education records within 45 calendar days after the day the school or school district receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal or designated 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.

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.

Parents or eligible students who wish to ask the school to amend their child's or their education record should write the school principal or designated school official, clearly identify the part of the record they want changed, and specify why it should be changed. 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. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

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.

One exception, which permits disclosure without consent, is disclosure 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 (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official may also 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 parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. 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.

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:

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

## VI. RESTRICTIONS ON DISCLOSURE OF EDUCATIONAL RECORDS

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. 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, § 99.32 of the FERPA regulations requires 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 under the following circumstances:

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, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))

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 Department of Education (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. (§§ 99.31(a)(3) and 99.35)

In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))

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, if applicable requirements are met. (§ 99.31(a)(6))

To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))

To comply with a judicial order or lawfully issued subpoena, if applicable requirements are met. (§ 99.31(a)(9))

To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))

Information the LEA has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))

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. (20 U.S.C. § 1232g(b)(1)(L))

To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements

of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))