

NEBO SCHOOL DISTRICT

ANNUAL NOTICE

Family Educational Rights and Privacy Act - FERPA Protection of Pupil Rights Amendment - PPRA

The Board of Education of Nebo School District has adopted policies regarding student records and information consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 34 CFR Part 99 (FERPA); and the Protection of Pupil Rights Amendment, 20 U.S.C. §1232h, 34 CFR Part 98 (PPRA). Under FERPA, parents of currently enrolled students (or “eligible students” over eighteen (18) years of age) have certain rights with respect to the student’s education records, which include:

(1) The right to inspect and review the student’s education records within forty-five (45) days of the day the school receives a request for access.

Parents or eligible students should submit to the school principal, or his/her designee, a written request that identifies the record(s) they wish to inspect. The principal, or his/her 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 an amendment to a 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 a record should: (a) write the school principal, or his/her designee; (b) clearly identify the part of the record they want changed; and (c) specify why it should be changed. The School District will notify the parents or eligible student of its decision. If the School District decides not to amend the record as requested by the parents or eligible student, the School District shall inform them of such and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information in 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 is a person employed by the School District as an administrator, supervisor, teacher, instructor, school resource officer (SRO), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the School District has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a school resource officer (law enforcement officer) contracted pursuant to an Interlocal Cooperation Agreement; a parent or student serving 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/her tasks. A school official has a legitimate educational interest if the school official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School District discloses education records, including disciplinary records, without consent to officials of other schools and school districts in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for the purposes of the student’s enrollment and transfer.

(4) 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 following is the name and address of the office that administers FERPA:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

In accordance with FERPA, the School District, with certain exceptions, is required to obtain the parent's or eligible student's written consent prior to the disclosure of personally identifiable information from the student's education records. FERPA permits the disclosure of personally identifiable information from the student's education records without consent if the disclosure meets certain conditions outlined in the FERPA regulations, such as judicial orders and subpoenas, health or safety emergencies, financial aid purposes, accrediting organizations, audit or evaluation purposes, and other permitted disclosures as per the FERPA regulations.

In addition, the School District may disclose appropriately designated "directory information" without consent of the parents or eligible students, unless the School District has been advised to the contrary in accordance with these procedures. The primary purpose of "directory information" is to allow the School District to include this type of information from the student's education records in certain school publications. Some examples include:

- A playbill, showing the 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 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 or eligible student's prior consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. It is the intent of the School District to disclose directory information to outside organizations only if it serves a legitimate school-related purpose.

In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965, as amended, to provide military recruiters, upon request, with three "directory information" categories (names, addresses, and telephone listings), unless parents have advised the school district that they do not want their student's information disclosed without their prior written consent in accordance with these procedures.

If you do not want Nebo School District to disclose any or all categories of "directory information" from your student's education records without your prior written consent, you must notify the applicable school's principal, or his/her designee, on or before September 30.

Nebo School District declares the following information as "directory information" as provided in FERPA, and such directory information related to students may be made public if the information is in any of the following categories:

- Student's name, address, and telephone listing;
- Electronic mail address;
- Date and place of birth;
- Major field of study;
- Participation in officially recognized activities and sports;
- Weights and heights of members of athletic teams;
- Dates of attendance;
- Degrees, honors, and awards received;
- The most recent educational agency/institution attended by the student;
- Current grade level and teacher's name(s); and
- Photographs, videotapes, and other likenesses of a student.

Further information concerning FERPA can be found in Nebo School District's Policy #JO, Student Records and Data Protection, at www.nebo.edu/pubpolicy.

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding certain types of surveys, the collection and use of information for marketing purposes, and certain physical examinations. These rights include:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education:

1. Political affiliations;
2. Political philosophies or beliefs of the student or student’s parent, except as provided under Utah Code Ann., §53G-10-202 or other applicable federal or state laws, rules, or regulations;
3. Mental or psychological problems of the student or student’s family;
4. Sex behavior or attitudes;
5. Illegal, anti-social, self-incriminating, or demeaning behavior;
6. Critical appraisals of others with whom respondents have close family relationships;
7. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
8. Religious practices, affiliations, or beliefs of the student or parents; or
9. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to “opt-out” a student from:

1. Any protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under Utah law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use:

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is eighteen (18) years of age or an emancipated minor under Utah State law.

Nebo School District has developed and adopted Policy #JO, Student Records and Data Protection, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

Nebo School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Nebo School District will also directly notify parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her student out of participation of the specific activity or survey. Nebo School District will make this notification to parents at the beginning of the school year if the School District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year begins, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

The following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales, or other distribution.
2. Administration of any protected information survey not funded in whole or in part by the U.S. Department of Education.
3. Any non-emergency, invasive physical examination or screening as described above.

Nebo School District does not anticipate administering any protected information surveys or conducting such activities, examinations, tests, or evaluations that would fall within the protected categories identified

above during the 2018-2019 school year. Should an unforeseen need to administer such a protected information survey or conduct such an activity, examination, test, or evaluation that would fall within the protected categories identified above during the school year, parents will again be notified of their consent, notice, and inspection rights.

Questions regarding a parents and eligible student rights under FERPA and PPRA may be addressed to the school principal or Nebo School District's Legal Counsel.

Parents or eligible students who believe their rights have been violated under FERPA or PPRA may file a complaint with the following federal agency:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520