

Notification of Rights for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("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 of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) 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 or misleading. Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the school principal [or appropriate official], clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the Brookings School District decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision 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 parent or eligible student when 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 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 as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); 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. A school official 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 Brookings School District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

[NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or eligible student of the records request unless it states in its annual notification that it intends to forward records on request.]

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:

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

Under FERPA, the Brookings School District may disclose directory information without consent, unless the parent or eligible student has requested the school district not disclose directory information about them. The parent or eligible student has ten calendar days from the date of the annual publication of FERPA to submit a written request to the school regarding the non-disclosure of directory information.

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (*e.g.*, undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

FERPA requires that school districts use a reasonable method to identify and authenticate the identity of parents, students, school officials and any other parties to whom they disclose personally identifiable information from education records. The Brookings School District method for verification of identity will include requiring photo identification for any individual who is not a current member of the district staff who seeks educational records in person. Requests for records in writing will be made on the letterhead of the school or agency making the request.

Notificación sobre Derechos conforme a FERPA para las Escuelas Primarias y Secundarias

La Ley de Derechos Educativos de la Familia y la Confidencialidad (*Family Educational Rights and Privacy Act*), conocida por sus siglas en inglés FERPA, confiere a los padres y los estudiantes mayores de 18 años (denominados "estudiantes aptos") ciertos derechos con respecto a los expedientes académicos o registros educativos del estudiante. Estos derechos son:

(1) El derecho a inspeccionar y revisar el expediente del estudiante en un plazo de 45 días contado de la fecha de petición de acceso.

El padre o estudiante apto debe presentar al director de Escuela [o el correspondiente funcionario escolar] una petición por escrito que señale el documento o los documentos que desea inspeccionar. El funcionario de escuela se encargará del acceso y de notificar

al padre o el estudiante apto respecto a la hora y el lugar donde los documentos se pueden inspeccionar.

(2) El derecho a solicitar una modificación del registro que el padre o el estudiante apto estime inexacto o equívoco.

Un padre o estudiante apto puede pedirle a la escuela que se modifique un registro que él considere inexacto o equívoco. Debe dirigirse por escrito director de la escuela [o al correspondiente funcionario], señalar con claridad la parte del registro que desea que se modifique, y especificar por qué es inexacto o equívoco. Si la escuela determina no modificar el registro en el sentido de la petición presentada por el padre o el estudiante apto, la escuela notificará al padre o el estudiante apto sobre la decisión y le avisará sobre su derecho a una audiencia en relación con la petición de modificación. Se proporcionará información adicional al padre o el estudiante apto sobre el procedimiento de audiencia al ser notificado sobre el derecho a audiencia.

(3) El derecho a dar consentimiento para la divulgación de información susceptible de identificación personal contenida en los expedientes académicos del estudiante, salvo en los casos señalados por FERPA que autorizan la divulgación sin consentimiento.

Una excepción, que permite la divulgación sin consentimiento, se trata de la divulgación a los funcionarios escolares con intereses educativos legítimos. Un funcionario escolar es un empleado de la escuela en calidad de administrador, supervisor, instructor, o personal de apoyo (incluyendo el personal de salud o médico y el personal de la unidad de seguridad o policial); una persona que integre el Consejo Escolar; una persona o compañía con la cual la escuela contrate para desempeñar una función particular (como un abogado, un auditor, un consultor médico, o un terapeuta); o un padre o estudiante que se desempeñe en un comité oficial, tal como un comité de disciplina o de procedimientos conciliatorios de disputas laborales, o que asista a otro funcionario escolar en el ejercicio de sus funciones.

Un funcionario tiene un interés legítimo si el funcionario necesita revisar un registro educativo a fin de cumplir con su responsabilidad profesional.

[Optativo] A petición, la escuela divulgará sin consentimiento registros educativos a los funcionarios de otro distrito escolar en donde el estudiante piensa o pretende matricularse. [NOTA: Según lo dispuesto por FERPA, un distrito escolar tiene la obligación de hacer un intento razonable de notificar al padre o el estudiante apto sobre la petición de expediente a no ser que se señale en su notificación anual que tiene la intención de hacer llegar los expedientes en respuesta a la solicitud.]

(4) El derecho a presentar un reclamo ante el Departamento de Educación de EE.UU. respecto al presunto incumplimiento con los requisitos de FERPA por parte de la Escuela. El nombre y la dirección de la Oficina que administra FERPA son:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901