

## ***Notification to Parents and Students of Rights under FERPA***

The Family Educational Rights and Privacy Act (FERPA) affords parents or students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

### **Right to Review Education Records**

Parents or eligible students have the right to inspect and review the student's education records within 45 days of the day we receive a written request. Inspection and review means in-person review, or, if circumstances prevent an in-person review, photocopies may be provided. We may charge a fee for copies, unless that fee prevents the parent or eligible student from exercising their right to inspect and review the education records. The Superintendent or designee may establish a schedule of fees representing a reasonable cost for reproduction.

#### *Procedure:*

To review the child's records, complete an **Authorization for Release of Information** form and submit it to your building principal. We will make arrangements for access and notify you when and where the records will be available for inspection and viewing.

### **Right to Provide Written Consent (Except Where Allowed by FERPA without Consent)**

Except as listed below, parents or eligible students have the right to provide written consent in order for the school to disclose personally identifiable information (PII) from the student's education records. Disclosure of PII from the student's educational records may occur, **without consent**, in situations such as (but are not limited to) when disclosure is:

#### **1. To "School Officials" of Westside Community Schools**

"School Official" includes any of the following IF that person has a *legitimate educational interest* in having access to the information:

- a. Any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed or contracted by the school district;
- b. A school board member;
- c. A contractor, consultant, student teacher, volunteer, or other party to whom the school district has outsourced services or functions, such as (but not limited to) an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the school district would otherwise use employees, is under the direct control of the school district with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records;
- d. A person serving on a committee appointed by the school board or by the administration of the school district, such as a disciplinary or grievance committee or other review committee.

A school official has a "legitimate educational interest" if the person needs to review an education record in order to fulfill his or her professional responsibility.

#### **2. To School Officials of Other Schools Upon Their Request**

We will disclose education records to officials of other public or private schools or post-secondary institutions in which a student seeks or intends to enroll, or is already enrolled, upon request of that school. Education records provided to any such entity shall include disciplinary records involving any suspension or expulsion and may include discipline records for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. If the records are being released due to the request of the other school (as opposed to being given pursuant to a parent request and release of records) the parent or eligible student shall, upon request, be provided a copy of the records

disclosed, and may contest the content of the educational records by following the procedures contained in the "Amendment of Education Records" section above.

### **3. Limited to Designated "Directory Information"**

Disclosure of a student's PII is allowed, without consent, when the information is "Directory Information."

The following items are designated by Westside Community Schools to be "directory" information:

- Student name
- Parent mailing address[es] to the Westside Foundation for mailing purposes only
- Photograph and video/film of a student for inclusion in any school-sponsored publication or production (calendars, newsletters, event programs, announcements/recognitions of achievement, news releases, etc.), on the school's social media sites (District and classroom websites, Facebook, and Twitter accounts), or in response to a request by news media for a copy of a yearbook photo
- Photograph and video/film by the media when permitted on school grounds by the District
- Dates student became enrolled/dis-enrolled in this school district, enrollment status, and grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent school or school district attended prior to Westside Community Schools
- Mailing address of first-listed parent and designated "home" telephone number in PowerSchool to military recruiters (11<sup>th</sup> and 12<sup>th</sup> grade only)

### ***Opting-Out of Disclosure of Directory Information***

Parents or eligible students have the right to opt-out of disclosure of any or all of the information that Westside Community Schools has designated as Directory Information, and may also submit an opt-out limited to prohibiting disclosure to military recruiters. Opt-outs are effective for the school year in which they are submitted. Information will be provided by the school district about how to opt-out, or you may contact your building principal or Office of Student Services at the ABC Building for more information.

Opting-out of disclosure may not be used to impede routine classroom communications and interactions. For instance, opting-out does not prevent the school district from disclosing or requiring a student to disclose the student's name, school e-mail address, or electronic identifier on school grounds, and does not prevent the school district from requiring a student to maintain and present upon request a student ID card.

### **4. To Comply with a Subpoena or Court Order**

The school district will disclose educational records in compliance with a judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified in advance of the compliance by the District as required by FERPA. However, when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the District is not required. In addition, notice will not be given to parents in situations where the District is directed by the issuing authority not to disclose the existence or contents of the subpoena.

### **5. To a Caseworker or other Representative of a State or Local Child Welfare Agency**

The school district may disclose PII to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.

### **6. In Litigation Between the School District and a Parent or Student**

The school district may disclose PII when necessary to defend itself in litigation initiated by the parent or student or when the District has legal action against a student or parent.

### **7. In the Event of a Health or Safety Emergency**

The school may disclose otherwise confidential educational record information to appropriate parties when the information is necessary in the judgment of the District to protect the health or safety of that student or any other person. The school must make this determination on a case-by-case basis, taking into account the totality of the circumstances pertaining to a threat to the health or safety of a student or others. If the school determines that there is an articulable and significant threat to the health or safety of a student or other individuals and that a third party needs personally identifiable information (PII) from education records to protect the health or safety of the student or other individuals, it may disclose that information to appropriate parties without consent.

#### **8. To Organizations Conducting Certain Studies For, or on Behalf of, the District**

The school may disclose PII to organizations conducting studies for, or on behalf of, the District for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if there is a written agreement and such studies are conducted in such a manner that each meet the requirements of applicable law.

#### **9. For Audits or Evaluations by State or Federal Officials**

PII may be disclosed to certain federal and state officials when needed in order to audit or enforce legal conditions related to a federally or state-supported education program or to enforce or to comply with the federal legal requirements that relate to those programs.

#### **10. To Accrediting Organizations**

PII may be disclosed to accrediting organizations in order to carry out their accrediting function.

#### **11. To Any "Parent" as defined by FERPA**

PII may be disclosed to any "parent," as defined by FERPA, of a student who has not turned 18, or to the student without parent consent who has turned 18. For students who have turned 18, disclosure may continue to be made to parents, even without the consent of the student, if the student remains a "dependent" of the parent as defined under the Internal Revenue Code.

#### **12. Allowed or Required to be Reported By State Law**

The school may disclose PII to state and local officials or authorities to whom such information is specifically allowed, or required, to be reported pursuant to state law and concerns the juvenile justice system and its ability to effectively serve the student whose records are released.

#### **Right to Request Amendment of Education Records**

Parents and eligible students have the right to request an amendment of the student's education records that they believe to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

*Procedure:* To request to amend an educational record, please request a Request to Amend Educational Records from the Office of Student Services and submit it to your building principal. The school district shall, within fifteen school days of receipt of the request, decide whether to amend the record as requested. If a decision is made not to amend the record as requested, we will notify the requestor in writing of the decision and advise the requestor of the right to request a hearing to challenge the decision. Further information about hearing requests and procedures is contained in the Regulation to Board Policy 5220.

#### **CONCERNS, QUESTIONS OR COMPLAINTS**

If you have a complaint or a concern or question about any of the above rights, we encourage you to first contact and discuss it with your school's principal, or if you prefer, to contact the Director of Student Services at the ABC Building, 909 So. 76th St. Omaha, NE (402) 390-2150. Our hope is to provide answers to whatever questions or concerns that you have.

You also have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Westside Community Schools to comply with the requirements of FERPA. 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 20202-5901