

Family Educational Rights and Privacy Act (FERPA) Santa Cruz Valley Unified School District No. 35 Annual Notice

The District shall annually notify the parent/legal guardian of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA. The principal of each school shall ensure the following information is disseminated to every student and the student's parent/legal guardian at the beginning of each school year and any time a student transfers into the District.

Notification of Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parent/legal guardian 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 forty-five (45) days after the day the District receives a request for access.

Parent/legal guardian or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent/legal guardian or eligible student of the time and place where the records may be inspected.

All records subject to disclosure under this procedure shall be available for inspection free of charge. If copies are desired, they shall be furnished by the District to the parent/legal guardian or eligible student on request and free of charge. Additional copies may be sent to other schools or agencies without charge. However, the District reserves the right to charge up to thirty-five cents (35¢) per page for multiple or excessive requests. Copies of available records shall be produced as promptly as possible upon receipt of the request. No fee will be charged for search and retrieval of records [[34 C.F.R. §§ 300.617](#) and [99.11](#)].

The District will provide copies of records to a parent/legal guardian or eligible student:

- When the refusal to provide copies effectively denies access to the records by the parent/legal guardian or eligible student [[34 C.F.R. § 300.617](#)].
 - At the request of the parent/guardian or eligible student when the District has provided the records to third parties with written consent of the parent/legal guardian or eligible student.
 - At the request of the parent/legal guardian or eligible student when the District has forwarded the records to another school where the student seeks or intends to enroll.
2. The right to request the amendment of the student's education records that the parent/legal guardian or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parent/legal guardian or eligible students who wish to ask the District to amend their child's or their education record should write to the school principal, clearly identify the part of the record they want changed and specify why it should be changed. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent/legal guardian or eligible student of the decision and of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/legal guardian or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the District discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests.

A "school official" includes a person employed by the 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 Board. A school official also includes a volunteer, contractor, or consultant who, while not employed by the District, performs an institutional service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent/legal guardian or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent/legal guardian, student, or other volunteer 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 District 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.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.

Contact information for filing a complaint can be found in Policy [5-303](#).

A parent/legal guardian or eligible student may also file a complaint with the principal or the Superintendent. If the matter is not satisfactorily resolved by the principal or the Superintendent within sixty (60) days after the notice, the person may file a complaint with the Superintendent of Public Instruction.

5. Permissible disclosures under FERPA without consent of the parent/legal guardian or eligible student.

FERPA permits the disclosure of PII from students' education records without consent of the parent/legal guardian or eligible student if the disclosure meets certain conditions found in [34 C.F.R. § 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/legal guardian or eligible student, [34 C.F.R. § 99.32](#) of the FERPA regulations requires the District to record the disclosure. A parent/legal guardian and eligible student have a right to inspect and review the record of disclosures. The District may disclose PII from the education records of a student without obtaining prior written consent of the parent/legal guardian or the eligible student -

- a. To other school officials, including teachers, within the District whom the District has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the District has outsourced institutional services or functions, provided that the conditions listed in [34 C.F.R. §§ 99.31\(a\)\(1\)\(i\)\(B\)\(1\)](#) through [\(a\)\(1\)\(i\)\(B\)\(3\)](#) are met. ([34 C.F.R. § 99.31\(a\)\(1\)](#))
- b. 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 [34 C.F.R. § 99.34](#). ([34 C.F.R. § 99.31\(a\)\(2\)](#))
- c. 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 Arizona Department of Education. Disclosures under this provision may be made, subject to the requirements of [34 C.F.R. § 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. ([34 C.F.R. §§ 99.31\(a\)\(3\)](#) and [99.35](#))
- d. 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. ([34 C.F.R. § 99.31\(a\)\(4\)](#))
- e. 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 [34 C.F.R. § 99.38](#). ([34 C.F.R. § 99.31\(a\)\(5\)](#))
- f. 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. ([34 C.F.R. § 99.31\(a\)\(6\)](#))
- g. To accrediting organizations to carry out their accrediting functions. ([34 C.F.R. § 99.31\(a\)\(7\)](#))
- h. To a parent/legal guardian of an eligible student if the student is a dependent for IRS tax purposes. ([34 C.F.R. § 99.31\(a\)\(8\)](#))
- i. To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. ([34 C.F.R. § 99.31\(a\)\(9\)](#))
- j. To appropriate officials in connection with a health or safety emergency, subject to [34 C.F.R. § 99.36](#). ([34 C.F.R. § 99.31\(a\)\(10\)](#))
- k. Information the District has designated as "directory information" if applicable requirements under [34 C.F.R. § 99.37](#) is met. ([34 C.F.R. § 99.31\(a\)\(11\)](#))
- l. 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\(b\)\(1\)\(L\)](#))
- m. 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\(b\)\(1\)\(K\)](#)).

