

Belmont Public Schools Notification of Rights under the Family Educational Rights and Privacy Act (FERPA) and Massachusetts Student Records Regulations

The Family Educational Rights and Privacy Act (FERPA) and Massachusetts Student Records Regulations afford parents and students who are 14 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. Access is generally provided within 10 days of a request. State law sets forth specific procedures prior to the release of records to a non-custodial parent (M.G.L. c. 71, §34H).

Parents or eligible students should submit to the school principal [or appropriate 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. Upon request, copies of any information contained in the student record will be furnished to the parent or eligible student, subject to a reasonable copying fee.

2. 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 or state law.

Parents or eligible students who wish to ask the school to amend a record should write the school principal or appropriate 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.

3. 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 and state law authorize 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) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of 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 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 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 school district to comply with these legal requirements. Complaints may be filed with the Massachusetts Department of Elementary and Secondary Education (DESE), 75 Pleasant St., Malden, MA 02148 and/or the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-5901.

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA and state law permit the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, and disclosures of directory information, all disclosures must be recorded by the school. 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 –

- 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 certain conditions are met. (34 CFR §99.31(a)(1); 603 CMR 23.07(3)).
- 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. (34 CFR §99.31(a)(2); 603 CMR 23.07(4)(g)).
- 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 DESE. Disclosures under this provision may be made in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal or state legal requirements. 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. (34 CFR §§99.31(a)(3) and 99.35; 603 CMR 23.07(4)(d)).

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary 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 CFR §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, including the Massachusetts Department of Children and Families (DCF), and the system's ability to effectively serve, prior to adjudication, the student whose records were released. (34 CFR §99.31(a)(5) ; 603 CMR 23.07(4)(c), 23.07(4)(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. (34 CFR §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. (34 CFR §99.31(a)(9); 603 CMR 23.07(4)(b)).
- To appropriate officials in connection with a health or safety emergency. (34 CFR §99.31(a)(10); 34 CFR 23.07(4)(e)).
- Information the school has designated as "directory information". (34 CFR §99.31(a)(11); 34 CFR 23.07(4)(a)).