

## **ANNUAL NOTIFICATION OF RIGHTS UNDER FERPA REGARDING CONFIDENTIALITY OF STUDENT EDUCATION RECORDS**

Confidentiality of education records is a right of public school students and their parents. This right is provided for by the Family Educational Rights and Privacy Act (FERPA). Under this law, "education records" means those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. Of course, education records are maintained on every child enrolled in a public school. The types of information gathered and maintained includes, but is not limited to: the student's and parents' names, address and telephone number; the student's date and place of birth, date of enrollment in the school, records from previous schools attended, attendance record, subjects taken, grades, school activities, assessment results, number of credits earned, immunization records, disciplinary records, if any, correspondence from parents, and child find and other screening results, including hearing and vision screening results.

In addition, for children with disabilities, education records could include, among other things, evaluation and testing materials, medical and health information, each annual Individualized Education Program (IEP), notices to parents, notes regarding IEP meetings, parental consent documents, information provided by parents, progress reports, assessment results, materials related to disciplinary actions, and mediation agreements. The information is gathered from a number of sources including the student's parents and staff of the school of attendance. Also, with parental permission, information may be gathered from additional sources including doctors and other health care providers.

This information is collected to assure proper identification of a student and the student's parents and the maintenance of accurate records of the student's progress and activities in school. For children with disabilities, additional information is collected in order to assure the child is identified, evaluated, and provided a Free Appropriate Public Education (FAPE) in accordance with state and federal special education laws.

The School must ensure compliance with federal confidentiality laws at all stages of gathering, storing, retaining and disclosing education records to third parties. In addition, the destruction of any education records of a child with a disability must be in accordance with IDEA regulatory requirements.

In accordance with FERPA, the rights of the parents regarding education records are transferred to the student at age 18, subject to limited exceptions.

The Family Educational Rights and Privacy Act (FERPA) affords parents, and in the case of students of ASU Preparatory Academy (the "School") who are 18 years of age or older, the students themselves ("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 no more than 45 days after the day the School receives a request for access. Parents or eligible students should submit a written request to the school Principal that identifies the records they wish to inspect. The Principal or Registrar 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, 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 submit a written request to the school principal, clearly identifying 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 authorizes disclosure without consent of a parent or eligible student; please see below for some of the situations where prior written consent for disclosure is not required by FERPA. 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 Governing Board. A school official also may include a volunteer or contractor outside of the School who performs an institutional service or 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.
4. Upon request, the School discloses education records without consent of a parent or eligible student to officials of another school district, charter school or other educational institution 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.

5. Parents have 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

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in Title 34, Section 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 or eligible student, §99.32 of FERPA regulations requires the School to record the disclosure. 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 conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school district, 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 §99.34. (§99.31(a)(2))
- 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 §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. (§§99.31(a)(3) and 99.35)
- 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. (§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 and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- 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. (§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. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the School has designated as "directory information" under §99.37 (see below). (§99.31(a)(11))
- To representatives of a state or local child welfare agency or tribal organization when such agency is legally responsible for the care and protection of the student

## NOTICE FOR STUDENT DIRECTORY INFORMATION RELEASE

Federal law (specifically, the Family Educational Rights and Privacy Act or “FERPA”) requires that the School, with certain exceptions, obtains your written consent prior to the disclosure of personally identifiable information from your child’s education. FERPA provides many exceptions to the written consent requirement. For example, personally identifiable information from education records may be released to other school or School officials, to other schools where your child seeks to enroll, to the Arizona and United States Department of Education, and under other exceptions provided by law.

Another exception to the written consent requirement is for information designated as “directory information.” Directory information is information that is typically not considered harmful to disclose. Before the School may release directory information without your written consent, it must first inform you of those items that the School will designate as directory information, and provide you an opportunity to opt-out. The School has taken care to balance safeguarding your child’s information with ensuring that your child is informed of various opportunities and activities. Accordingly, the School has decided to designate the following information as “directory information” (information that can be released without your written consent):

- **Student’s name\***
- **Student’s parents’ names**
- **Student’s home address\***
- **Student’s home telephone number\***
- **Student’s School assigned electronic (e-mail) address\***
- **Student’s current school of attendance**
- **Student’s major field of study**
- **Student’s photograph**
- **Student’s grade Level (9th, 10th etc.)**
- **Student’s enrollment status (part time or full time)**
- **Student’s honors and awards received**
- **Student’s dates of attendance (semester, quarter, etc., not specific days in school)**
- **Student’s participation in officially recognized activities and sports**
- **Student’s height, weight and athletic number if member of an athletic team**
- **Student’s most recently attended educational agency or institution**
- **Class rank by percentages (for example, top 10%, top 20%)\***
- **Class rank by GPA (for example, 3.0 and above)\***

NOTE: The items with an asterisk (\*) are designated by the School as directory information only if the information is being released to: 1) Colleges, universities, and prospective employers for purposes of recruitment, notification of scholarship offers or job opportunities, and similar purposes; or 2) ASU Preparatory Academy-affiliated and approved groups or vendors [e.g. student groups and clubs (yearbook, student newspapers, student council, marching band, National Honor Society, and the like); student athletic teams; parent booster clubs; site council; parent-teacher groups; graduation vendors (photographs, caps and gowns, announcements), and the like]. This information will not be considered “directory information” if being requested by an individual or group that does not conform to the requirements above (e.g. for-profit business that are not School-approved vendors, outside media groups, and the like). In those circumstances, the information designated with an asterisk (\*) will only be released if written consent is provided by the parent/guardian or eligible student.

There are various pros and cons to directory information that you must weigh as a parent. If you opt-out of directory information, the School will not release your child’s information to colleges, recruiters, or other entities providing scholarship opportunities. Your child may also miss opportunities to be on vendor lists for graduation announcements, yearbook opportunities, or other student lists for participation in clubs and activities, or his/her achievements may not be publicized in School announcements.

Another item to consider is that two federal laws require the School to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the School that they do not want their student’s information disclosed without their prior written consent.

If you do not want any or all directory information about your student to be released to any person or organization (including School groups) without your prior signed and dated written consent, you must notify the School in writing by checking off any or all of the rejected information found on the form and returning it to your student’s school, by February 28th.

## **NOTIFICATION of RIGHTS UNDER the PROTECTION of PUPIL RIGHTS AMENDMENT (PPRA)**

PPRA affords parents certain rights regarding the School's conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *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 (ED) --
  1. Political affiliations or beliefs of the student or student's parent;
  2. Mental or psychological problems of the student or student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
  
- *Receive notice and an opportunity to opt a student out of* --
  1. Any other 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 State 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 18 years old or an emancipated minor under State law ("eligible student").

The School has policies, developed 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. The School will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. The School will also directly notify, such as through U.S. Mail or e-mail, parents of students and eligible students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent or eligible student to opt a student out of participation of the specific activity or survey. The School will make this notification to parents and eligible students at the beginning of the school year if the School has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents and eligible students will be provided reasonable notification of the planned activities and surveys listed below and will be provided an opportunity to opt the student out of such activities and surveys. Parents and eligible students will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents and eligible students who believe their rights have been violated may file a complaint with:*

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