

NOTIFICATION OF RIGHTS UNDER FERPA 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 scholastic records. They are:

1. The right to inspect and review the student's scholastic records within 45 days of the day the school division receives a request for access. Parents or eligible students should submit to the school principal or his/her designee a written request that identifies the record(s) they wish to inspect. The school official will arrange 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 scholastic records that the parent or eligible student believes are inaccurate or misleading or otherwise in violation of the student's privacy under FERPA.
 - Parents or eligible students may ask Bedford County Public Schools to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want to be 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 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 provide written consent before the school discloses personally identifiable information (PII) contained in the student's education record, except to the extent that FERPA authorizes disclosure without consent.
 - FERPA permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school division 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 includes a volunteer, contractor, or consultant who, while not employed by the school, 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 typically 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 will disclose scholastic records without the consent of the parent/guardian or other person having control or charge of the student, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. Whenever a student transfers from Bedford County Public Schools, a copy of the scholastic record, including disciplinary records will be transferred to the school division the student transfers to upon request from the receiving school division. Disciplinary records include school records related to disciplinary action taken against a student for violating School Board rules or policies on school property or at school-sponsored events.
 - Reference Bedford County Public Schools Policy JO – Student Records for additional exceptions that FERPA authorizes disclosure of personally identifiable information without consent.
4. The right to file a complaint with the U. S. Department of Education concerning alleged failures by the school division to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

NOTICE FOR DIRECTORY INFORMATION

The *Family Educational Rights and Privacy Act (FERPA)*, a Federal law, requires that Bedford County Public Schools (BCPS), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, BCPS may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the BCPS to include this type of information from your child's education records in certain school publications. Examples include:

- School yearbooks;
- Graduation, theater, athletic, and music programs;
- Video of performances, school activities, and athletic events;
- Articles about school activities and events;
- Lists of those receiving honors, awards, and scholarships;
- Team rosters and class lists.

BCPS produces and participates in television, video, and audio recordings, websites, and still photograph productions that may use your child's name, likeness, or voice. Your child may be photographed or video recorded by BCPS staff members or by vendors working for BCPS for use within BCPS for BCPS education-related activities, for example, student identification pictures or video recordings of classroom activity used for teacher training or student evaluation purposes. In addition to these internal uses, BCPS may disclose photographs of your child to the public as directory information for such uses as school yearbooks. BCPS also may disclose your child's image, name, or voice in BCPS photographic productions or other BCPS-sponsored publicity.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies receiving assistance under the *Elementary and Secondary Education Act of 1965 (ESEA)* to provide military recruiters, upon request, with three directory information categories - names, addresses, and telephone listings. Directory information will be released to institutions of higher education that request this information. The high schools will provide a form to parents/students 18 years and older to opt out of disclosure to military and higher institutions if requested.

If you do not want Bedford County Public Schools to disclose directory information from your child's education records without your prior written consent, you must notify your child's school principal in writing by September 22, 2023. Bedford County Public Schools has designated the following information as directory information:

- Student's name, including nickname
- Name of parent or guardian with whom the student lives
- Address
- Telephone listing
- Grade level
- E-mail address
- Photographs and other images that feature the student
- Date and place of birth
- Major field of study
- Dates of attendance
- Participation in officially recognized activities and sports
- Height and weight of members of athletic teams
- Degrees, honors, and awards received
- Most recent educational agency of institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding our 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.

Bedford County Public School District has adopted policies regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes (Reference: BCPS Policy JOB, Administration of Surveys and Questionnaires). Bedford County Public Schools will notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. Bedford County Public Schools will notify parents and eligible students of the specific or approximate dates of the activities or surveys if the District has identified them at the start of the year. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and will be provided an opportunity to opt their child out. Parents will also be provided an opportunity to review any pertinent surveys. The following are 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 nonemergency, invasive physical examination or screening as described above.

Parents/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, D.C. 20202