

Access to Student Educational Records: Protecting the Privacy of Student Information

Family Education Rights and Privacy Act (FERPA)

FERPA affords parents and students who are 18 years of age or older certain rights with respect to the student's educational records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access.
2. The right to request the amendment of the student's educational records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. (See What is the procedure for challenging school records?)
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's educational records, except to the extent that FERPA authorizes disclosure without consent. (See Who may obtain personally identifiable information?)
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Washoe County School District to comply with the requirements of FERPA. (See below for address to file a violation)

Parents and guardians or students 18 years of age or older who do NOT want directory information released must notify the school principal prior to October 1. A simple form has been created for this purpose and it is available at all high schools and on the District website. This form allows for the information to be withheld from everyone, or just from military recruiters. If the form is not received by the school prior to October 1, the school and the District will assume that consent has been given.

The District's policies on access to student information are in compliance with FERPA and Nevada Revised Statute (NRS) 392.029 of the 1997 legislative session.

What is general directory information?

Certain information is made available to most other individuals only with parental written permission. Activities such as awards, scholarships, college/technical school information, and various school publications such as yearbooks and athletic programs, however, require the use of some general information about students and this information may be provided to a third party without parental consent. Such information is called **general directory information**. Examples of **general directory information** are:

- Name, address, telephone listing, electronic mail address;
- Date and place of birth, photographs;
- Participation in officially recognized activities and sports;
- Field of study;
- Weight and height of athletes;
- Enrollment status;
- Degrees and awards received;
- Dates of enrollment;
- Most recent previous school attended and/or school attending;
- Grade level; and
- Grade point average and/or transcripts and/or assessment data of students with 2.75 GPA or higher for the purposes of college recruitment for colleges/universities within the Nevada System of Higher Education.

Parents have the right to see any documents or materials directly related to their children that are kept within the school or Washoe County School District offices.

Who may obtain personally identifiable information?

- All parents and legal guardians. In the case of divorce, custodial, and noncustodial parents have access to the child's record, unless a legally binding document declares differently;
- Children over the age of 18, emancipated minors, or those attending post-secondary institutions;
- School officials with legitimate education interest. A school official is a person employed by WCSD 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 but is not limited to; a volunteer, intern, resident, student worker, 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 educational 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 educational record in order to fulfill his or her professional responsibility. A school official may also be a researcher working with the District or Nevada Department of Education with a legitimate educational interest or agencies that are contracted to provide functions on behalf of the school districts such as picture day);

- Other school officials, 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. This list may include doctors, attorneys, photographers, State of Nevada agencies, Nevada System of Higher Education, and college recruiters;
- School officials in a district to which the child intends to transfer;
- Individuals connected with a health or safety emergency;
- Military recruiters;
- Accrediting organizations to carry out their accrediting functions;
- Postsecondary institutions with financial aid for which the student has applied or received;
- State and local authorities pursuant to a State statute concerning the juvenile justice system and the system's ability to effectively serve the student whose records are being disclosed;
- Organizations conducting studies for or on behalf of the school making the disclosure for the purposes of administering predictive tests, administering student aid programs or improving instructions;
- Compliance with a judicial order or a lawfully issued subpoena;
- State Agencies acting *in loco parentis* under the Uninterrupted Scholars Act; and
- In addition, two federal laws require local educational agencies (LEAs) 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 – unless parents (or students) have advised the LEA in writing by **October 1** that they do not want their student's information disclosed without prior written consent.

What is “legitimate educational interest”?

“Legitimate educational interests” are defined as interests that are essential to perform the function of one's employment in the Washoe County School District (WCSD). Legitimate educational interests would include teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and placement, courses necessary for college placement, advisement, medical services, safety, academic programs, and academic assistance activities. In addition, WCSD officially recognizes appropriate co-curricular activities that are generally supportive of overall goals of the District and contribute generally to the well-being of the entire student body and specifically to many individuals who participate in these activities. These activities include varsity and intramural sports, specific interest clubs, and student government.

Who is a “school official”?

A school official is anyone performing business and/or educational services on behalf of WCSD.

May parents see results of tests given their child?

Parents have the right to review results from academic, standardized, or psychological tests. If the test itself is kept in the child's records, parents may look at it, if allowed by the NRS.

Can the school legally refuse to show parents any records?

Personal notes kept by a teacher, principal, psychologist, or other school employee for the sole use of that person are not considered part of the child's record. Such personal notes are not retained in the cumulative record.

How do parents look at such information?

Ask! Schools will make an appointment for parents to review their child's educational records. Schools have forty-five (45) days to schedule the appointment, but most schools act immediately.

- Parents have a right to an explanation of any forms, test scores, or educational language that they don't understand. If the principal or the appropriate school staff member is not available to answer questions, the parents should schedule a meeting in advance at a more appropriate time.
- When asking to see their child's records, parents with limited English proficiency may ask the school to provide an interpreter for the meeting.

How can an individual obtain school records, if he/she is no longer enrolled in the WCSD?

The District requires written authorization of the parent to release student records if the student is under 18 years of age. After a former student is 18 years of age or older, records can be released only with his/her written consent.

The information needed to locate records shall include the student's legal name when enrolled in the Washoe County School District, date of birth, name of last Washoe County school attended, and the last year of enrollment.

Photocopy charges are \$2.00 per health record, \$3.00 per unofficial transcript, \$5.00 per official transcript, and \$ 0.60 per page of all other records regardless of enrollment status.

What is the procedure for challenging school records?

Each parent has the right to challenge information in the records which is believed to be inaccurate, misleading, or in violation of a student's rights. The parent may request that information be amended or removed from the file.

- A written request to change the record must be submitted to the principal at the school where the student is enrolled. The written request must indicate the challenged aspect of the record and specify why that aspect of the record is believed to be inaccurate, misleading, or in violation of the student's rights. Supporting evidence must be submitted with the written request.
- The school principal and appropriate staff, as needed, determines whether or not to change the record.
- Parents will be notified in writing within 15 school days of the decision. If the principal does not agree that the record needs to be changed, parents will be notified of their right to a hearing. The request for a hearing must be made within 10 school days of receipt of the principal's letter.
- If a District hearing is requested, the hearing officer shall hold a hearing within 30 working days and issue a written decision within 10 working days. The hearing officer's decision is final.
- If the change to the record is denied, parents have the right to place a written statement in the record explaining the reasons for their disagreement.

What is the procedure for destroying records?

The Washoe County School District regularly destroys records that are no longer needed for the educational benefit of the student.

- The elementary school removes all non-pertinent information before forwarding the cumulative file to the middle school.
- Emails, unless electronically archived, are deleted every 60 days. If electronically archived, they are deleted in seven years.

Protection of Pupil Rights Amendment (PPRA)

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

- A. 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). They are:
 1. Political affiliations or beliefs of the student or student's parent;
 2. Mental and psychological problems of the student or student's family;
 3. Sex behavior and 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.

B. 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.

C. 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.

For additional information on FERPA or PPRA for students not in Special Education programs, please contact:

Dr. Bryn Lapenta, Senior Director
Student Accounting
Washoe County School District
425 East Ninth Street (location address)
P.O. Box 30425 (mailing address)
Reno, NV 89520-3425
Phone: (775) 348-0283

For students who are in Special Education programs in the District, please contact:

Jessica Medulla, Compliance Specialist
Student Support
Services Division
Washoe County School District
425 East Ninth Street (location address)
P.O. Box 30425 (mailing address)
Reno, NV 89520-3425
Phone: (775) 789-4646

For information from the State Department, contact the Department of Education.

Nevada Department of Education
700 East Fifth Street
Carson City, Nevada 89710
Phone: (775) 687-9200

For parents/eligible students who believe their rights may have been violated, they may file a complaint by writing or phoning the Family Policy Compliance Office.

Family Policy and Compliance Office
400 Maryland Avenue, SW

Washington, DC 20202-4605
Phone: (202) 260-3887