

FERPA affords parents 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 45 days after the day the North Conejos School District receives a request for access.

Parents or eligible students should submit a written request to the school principal (or appropriate school official) 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.

2. The right to request the amendment of a student 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 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 disclosed personally identifiable information (PII) from the student’s education records, except to the extent that FERPA authorizes 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 may also 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 use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; 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. 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 address of the Family Policy Compliance Office that administers FERPA is:

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

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

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 §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 the 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 under the following circumstances:

- 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 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 §99.34. (§99.31(a)(2)) **NCSD intends to forward records upon request.**
- 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 Colorado 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). Please note that the district does not provide any information to the Colorado Department of Education other than what is required by federal or state law or required to receive a benefit, such as competitive grant funding. This information is provided in order for the state to monitor the effectiveness of educational programs, diagnose areas of need, and inform improvement efforts.
- 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. (§99.31(a)(11))

While FERPA requires that NCSD, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child’s education records, NCSD 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 NCSD to include this type of information from your child’s education records in certain school publications. Examples include:

- A playbill, showing your student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and

- Sports activity sheets, such as for wrestling, showing weight and height of team members.

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 (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student’s information disclosed without their prior written consent.

If you do not want the NCSd to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by September 11, 2021. The NCSd has designated the following information as directory information:

- | | |
|--------------------------|---|
| -Student’s name | -Participation in officially recognized activities and sports |
| -Address | -Weight and height of members of athletic teams |
| -Telephone listing | -Degrees, honors and awards received |
| -Electronic mail address | -The most recent educational agency or institution attended |
| -Date and place of birth | -Student ID number, user ID, or other unique 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) |
| -Major field of study | |
| -Dates of attendance | |
| -Grade level | |

PPRA Protections:

The federal Protection of Pupil Rights Amendment (PPRA) affords parents 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

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

North Conejos School District policies, 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. **NCS**D will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **NCS**D will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **NCS**D will make this notification to parents at the beginning of the school year if the District 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 will be provided reasonable notification of the planned activities and surveys listed below and provided an opportunity to opt their child out of such activities and surveys. Parents 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 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

State Law Protections:

Colorado's state law also provides additional rights with respect to the collection of student information in any public school, regardless of whether or not the public school receives federal funding. Pursuant to §22-1-123, C.R.S., a school or district employee who requires participation in a survey, assessment, analysis or evaluation in a public school's curriculum or other official school activity must obtain the written consent of a student's parent or legal guardian before giving the student any survey, assessment, analysis or evaluation intended to reveal information, whether the information is personally identifiable or not, concerning the student or the student's legal guardian's:

- Political affiliations;
- Mental and psychological conditions potentially embarrassing to the student or the student's family;
- Sexual behavior and attitudes;
- Illegal, anti-social, self-incriminating or demeaning behavior;
- Critical appraisals of individuals with whom a student has close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and members of the clergy;
- Income, except as required by law;
- Social security number; or
- Religious practices, affiliations, or beliefs.

Please note that the requirement of written consent does not apply to a student's participation in statewide assessments. For gathering the type of information listed above, written consent will be valid only if the school district has given a parent or legal guardian written notice of the survey, assessment, analysis or evaluation, has made a copy of the document available for viewing at convenient locations and times, and has given the parent or

legal guardian at least two weeks, after receipt of the written notice to obtain written information concerning the collection.