5.13—PRIVACY OF STUDENTS’ RECORDS/DIRECTORY INFORMATION

Except when a court order regarding a student has been presented to the district to the contrary, all students’ educational records are available for inspection and copying by the parents of his/her student who is under the age of eighteen (18). At the age of eighteen (18), the right to inspect and copy a student’s records transfers to the student. A student’s parents or the student, if over the age of 18, requesting to review the student’s education records will be allowed to do so within no more than forty five (45) days of the request. The district forwards education records, including disciplinary records, to schools that have requested them and in which the student seeks or intends to enroll, or is already enrolled so long as the disclosure is for the purposes related to the student’s enrollment or transfer.

The district shall receive written permission before releasing education records to any agency or individual not authorized by law to receive and/or view the education records without prior parental permission. The District shall maintain a record of requests by such agencies or individuals for access to, and each disclosure of, personally identifiable information from the education records of each student. Disclosure of education records is authorized by law to school officials with legitimate educational interests. A personal record kept by a school staff member is not considered an educational record if it meets the following tests.

- it is in the sole possession of the individual who made it;
- it is used only as a personal memory aide; and
- information contained in it has never been revealed or made available to any other person, except the maker’s temporary substitute.

For the purposes of this policy, 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); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

For the purposes of this policy 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, contracted duty, or duty of elected office.

The District discloses personally identifiable information from an education records to appropriate parties, including parents, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The superintendent or designee shall determine who will have access to and the responsibility for disclosing information in emergency situations.
When deciding whether to release personally identifiable information in a health or safety emergency, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

For purposes of this policy, the Fayetteville School District does not distinguish between a custodial and noncustodial parent, or a non-parent such as a person acting in loco parentis or a foster parent with respect to gaining access to a student’s records. Unless a court order restricting such access has been presented to the district to the contrary, the fact of a person’s status as parent or guardian, alone, enables that parent or guardian to review and copy his/her child’s records.

If there exists a court order which directs that a parent not have access to a student or his/her records, the parents, guardian, person acting in loco parentis, or an agent of the Department of Human Services must present a file-marked copy of such order to the building principal and the superintendent. The school will make good-faith efforts to act in accordance with such court order, but the failure to do so does not impose legal liability upon the school. The actual responsibility for enforcement of such court orders rests with the parents or guardians, their attorneys and the court which issued the order.

A parent or guardian does not have the right to remove any material from a student’s records, but such parent or guardian may challenge the accuracy of a record. The right to challenge the accuracy of a record does not include the right to dispute a grade, which must be done only through the appropriate teacher and/or administrator, the decision of which is final. A challenge to the accuracy of material contained in a student’s file must be initiated with the building principal, with an appeal available to the Superintendent or his designee. The challenge shall clearly identify the part of the student’s record the parent wants changed and specify why he/she believes it is inaccurate or misleading. If the school determines not to amend the record as requested, the school will notify the requesting parent or student of the decision and inform them of their right to a hearing regarding the request for amending the record. The parent or eligible student will be provided information regarding the hearing procedure when notified of the right to a hearing.

Unless the parent or guardian of a student, or the student if above the age of eighteen (18), objects directory information about a student may be made available to the public, military recruiters, post secondary educational institutions, prospective employers of those students, as well as school publications such as annual yearbooks and graduation announcements. “Directory information” includes, but is not limited to, a student’s name, address, telephone number, electronic mail address, photograph, date and place of birth, dates of attendance, his/her placement on the honor role (or the receipt of other types of honors), as well as his/her participation in school clubs and extracurricular activities, among others. If the student participates in inherently public activities (for
example, basketball, football, or other interscholastic activities), the publication of such
information will be beyond the control of the District. “Directory information” also
includes a student identification (ID) number, user ID, or other unique personal identifier
used by a student for purposes of accessing or communicating in electronic systems and a
student ID number or other unique personal identifier that is displayed on a student’s ID
badge provided the ID cannot be used to gain access to educational records except when
used in conjunction with one or more factors that authenticate the user’s identity, such as
a personal identification number (PIN), password or other factor know or possessed only
by the authorized user.

Each parent, legal guardian, or eligible student has the right to refuse to permit the release
of the above information. If the parent, legal guardian, or eligible student wishes to
restrict the release of the above information, he/she must inform the Principal’s Office in
writing within thirty (30) calendar days of receipt of this notice. An eligible student is
one who has reached the age of 18 or is attending any school beyond the high school
level.

The District is required to continue to honor any signed opt-out form for any student no
longer in attendance at the district.

The right to opt out of the disclosure of directory information under FERPA does not
prevent the District from disclosing or requiring a student to disclose the student’s name,
identifier, or institutional email address in a class in which the student is enrolled.

Parents and students over the age of 18 who believe the district has failed to comply with
the requirements for the lawful release of student records may file a complaint with the
U. S. Department of Education at

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

Legal References:   A.C.A. §  9-29-113(b)(6)
                   20 U. S.C. § 1232g
                   20 U.S.C. § 7908 (NCLB Section 9528)

Cross References:  Policy 5.20 District Web Site
                   Policy 5.20.1 Web Site Privacy Policy
                   Policy 5.20 F1 Permission to Display Photo of Student on Web
                   Site

Date Adopted:  9-22-11
Revised: 6-28-12
Revised: 5-23-13