

# Notification of Rights under FERPA for Schools

District: \_\_\_\_\_ Date: \_\_\_\_\_

The Family Educational Rights and Privacy Act (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 [Name of school ("School")] receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request 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 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 their child's or their education 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 discloses 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. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district 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 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.

[Optional] Upon request, the school discloses education records without consent to officials of another school or school district 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. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

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 name and address of the Office that administers FERPA are:

Student Privacy Policy 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 § 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 –

- 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)(3) 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))
- 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 State educational agency (SEA) in the parent or eligible student's State. 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, if applicable requirements are met. (§§ 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 for such purposes as 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, if applicable requirements are met. (§ 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 if applicable requirements are met. (§ 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” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

# Arifa ya Haki chini ya FERPA kwa Shule

Wilaya: \_\_\_\_\_ Tarehe: \_\_\_\_\_

Sheria ya Haki na Faragha ya Kielimu ya Familia (FERPA) inawapa wazazi na wanafunzi ambao wana umri wa miaka 18 au zaidi ("wanafunzi wanaostahiki") haki fulani zinahusiana na rekodi za masomo za mwanafunzi. Haki hizi ni:

1. Haki ya kukagua na kuhakiki rekodi za elimu za mwanafunzi ndani ya siku 45 baada ya siku ambayo [Jina la shule ("Shule")] inapokea ombi la ufikiaji.

Wazazi au wanafunzi wanaostahiki ambao wangependa kukagua rekodi za mtoto wao au zao za elimu wanapaswa kuwasilisha kwa mkuu wa shule [au kiongozi wa shule anayefaa] ombi lililoandikwa ambalo linabaini rekodi ambayo wangependa kukagua. Afisa wa shule atafanya mipango ya kupata na kumjulisha mzazi au mwanafunzi anayestahili kuhusu wakati na mahali ambapo rekodi zinaweza kukaguliwa.

2. Haki ya kuomba marekebisho ya rekodi za masomo ya mwanafunzi ambaye mzazi au mwanafunzi anayestahiki anaamini sio sahihi, anapotosha, au vinginevyo inakiuka haki za faragha za mwanafunzi chini ya FERPA.

Wazazi au wanafunzi wanaostahiki ambao wanataka kuomba [Shule] urekebisha rekodi za mtoto wao au zao wanapaswa kumwandika mkuu wa shule [au kiongozi wa shule anayefaa], ili watambue wazi sehemu ya rekodi wanayotaka ibadilishwe, na kubaini kwa nini inapaswa kubadilishwa. Ikiwa shule itaamua kutorekebisha rekodi kama ilivyotakiwa na mzazi au mwanafunzi anayestahiki, shule hiyo itamwarifu mzazi au mwanafunzi anayestahiki uamuzi huo na haki yao ya kusikilizwa kuhusu ombi la marekebisho. Maelezo zaidi ya mchakato wa kusikilizwa yatapewa mzazi au mwanafunzi anayestahiki wakati anaarifiwa kuhusu haki ya kusikilizwa.

3. Haki ya kutoa idhini iliyoandikwa kabla ya shule kufichua maelezo yanayotambulika kibinafsi (PII) kutoka kwa rekodi za elimu za mwanafunzi, isipokuwa kwa kiwango ambacho FERPA inathibitisha ufichuzi bila idhini.

Jambo moja ya kipekee ambayo inaruhusu ufichuzi bila idhini, ni kufichuliwa kwa viongozi wa shule wenye raghba halali ya kielimu. Vigezo vya kubainisha ni nani anajumuisha afisa wa shule na kile kinachojumuisha mapendeleo halali ya kielimu lazima vibainishwe katika arifa ya kila mwaka ya shule au wilaya ya shule kwa haki za FERPA. Kiongozi wa shule kawaida hujumuisha mtu aliyeajiriwa na shule au wilaya ya shule kama msimamizi, mwangalizi, mwalimu, au mmoja wa mfanyakazi msaidizi (pamoja na wahudumu wa afya na matibabu na mtekelezaji sheria) au mtu anayehudumu kwenye bodi ya shule. Kiongozi wa shule pia anaweza kujumuisha mtu anayejitolea, kontrakta, au mshauri ambaye, ingawa bado hajaajiriwa na shule, hufanya huduma ya kitaasisi au kazi ambayo shule hiyo ingetumia wafanyakazi wake wenyewe kufanya na ambaye yuko chini ya usimamizi wa moja kwa moja wa shule kuhusu matumizi na matengenezo ya PII kutoka kwa rekodi za elimu, kama vile wakili, mhakiki, mshauri wa matibabu, au mtaalamu wa matibabu; mzazi au mwanafunzi anayejitolea kuhudumu kwenye kamati rasmi, kama kamati ya nidhamu au ya malalamiko; au mzazi, mwanafunzi, au mtu mwingine anayejitolea kusaidia kiongozi mwingine wa shule kutekeleza majukumu yake. Kiongozi wa shule kwa

kawaida ana mapendeleo halali ya kielimu ikiwa kiongozi huyo anahitaji kukagua rekodi ya elimu ili kutimiza wajibu wake wa kitaalamu.

[Hiari] Baada ya ombi, shule itafichua rekodi za elimu bila idhini kwa viongozi wa wilaya nyingine ya shule ambayo mwanafunzi anataka au anakusudia kujisajili, au tayari amesajiliwa iwapo ufichuzi huo ni kwa madhumuni ya usajili au uhamisho wa mwanafunzi. [KUMBUKA: FERPA inahitaji shule au wilaya ya shule kufanya jaribio linalofaa la kumjulisha mzazi au mwanafunzi kuhusu ombi la rekodi isipokuwa ikieleza katika arifa yake ya kila mwaka kuwa inakusudia kusambaza rekodi baada ya ombi au ufichuzi huo umeanzishwa na mzazi au mwanafunzi anayestahiki.]

4. Haki ya kuandikisha malalamiko na Idara ya elimu ya Marekani kuhusu madai ya [Shule] kushindwa kuzingatia mahitaji ya FERPA. Jina na anwani ya Ofisi ambayo inaendesha FERPA ni:

Ofisi ya Sera ya Faragha ya Wanafunzi  
Idara ya Elimu ya Marekani  
400 Maryland Avenue, SW  
Washington, DC 20202

FERPA inaruhusu maelezo ya PII kufichuliwa kutoka kwa rekodi za elimu za wanafunzi bila idhini ya mzazi au mwanafunzi anayestahiki, ikiwa ufichuzi huo unakidhi masharti fulani yanayopatikana katika § 99.31 ya kanuni za FERPA. Isipokuwa kwa ufichuzi kwa viongozi wa shule, ufichuzi unaohusiana na maagizo ya mahakama au maagizo yaliyotolewa kisheria, ufichuzi wa maelezo yanayoweza kufichuliwa, na ufichuzi kwa mzazi au mwanafunzi anayestahiki, § 99.32 ya kanuni za FERPA inahitaji shule kurekodi ufichuzi huo. Wazazi na wanafunzi wanaostahiki wana haki ya kukagua na kuhakiki rekodi ya ufichuzi. Shule inaweza kufichua PII kutoka kwa rekodi za elimu za mwanafunzi bila kupata kwanza idhini ya maandishi ya wazazi au mwanafunzi anayestahiki –

- Kwa viongozi wengine wa shule, ikiwemo walimu, ndani ya shirika la elimu au taasisi ambayo shule imeamua kuwa na raghba halali ya kielimu. Hii inajumuisha kontrakta, washauri, wanaojitolea, au wahusika wengine ambao shule imepata huduma za kitaasisi au kazi kutoka kwao, mradi hali zilizo rodheshwa katika § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) zimefikwa. (§ 99.31(a)(1))
- Kwa viongozi wa shule nyingine, mfumo wa shule, au taasisi ya elimu ya baada ya shule ya sekondari ambapo mwanafunzi anataka au anakusudia kujiandikisha, au mahali ambapo mwanafunzi ameandikishwa na ufichuzi huo ni kwa madhumuni yanayohusiana na uandikishaji au uhamisho wa mwanafunzi, kulingana na mahitaji ya § 99.34. (§ 99.31(a)(2))
- Kwa wawakilishi walioidhinishwa wa Mdhambi Mkuu wa Fedha wa Marekani, Mwanasheria Mkuu wa Marekani, Katibu wa Elimu wa Marekani, au viongozi wa serikali na jimbo, kama vile shirika la elimu la Jimbo (SEA) katika eneo la mzazi au mwanafunzi anayestahiki. Ufichuzi chini ya kifungu hiki unaweza kufanywa, kulingana na mahitaji § 99.35, unaohusiana na ukaguzi au tathmini ya mipango ya elimu inayokubaliwa na Shirikisho- au Serikali, au kwa ajili ya utekelezaji au kufuata mahitaji ya kisheria ya Shirikisho ambayo inahusiana na mipango hayo. Mashirika haya yanaweza kufichua zaidi PII kwa mashirika ya nje ambayo yameteuliwa nao kama wawakilishi wao walio na mamlaka ya kufanya ukaguzi, tathmini, au utekelezaji wowote au shughuli ya kufuatilia kwa niaba yao, ikiwa mahitaji husika yametimizwa. (§§ 99.31(a)(3) na 99.35)
- Kuhusiana na msaada wa kifedha ambayo mwanafunzi ameomba au ambayo mwanafunzi amepokea, ikiwa maelezo ni muhimu kwa madhumuni kama vile kuamua ustahiki kwa msaada huo, kuamua kiasi cha msaada, kuamua masharti ya msaada, au kutekeleza sheria na masharti ya msaada. (§ 99.31(a)(4))

- Kwa viongozi wa Jimbo na mtaa au wasimamizi ambao maelezo yanaruhusiwa kuripotiwa au kufichuliwa na amri ya Nchi inayohusu mfumo wa haki wa vijana na uwezo wa mfumo wa kutumikia kwa ufanisi, kabla ya uamuzi, mwanafunzi ambaye rekodi zake zilifichuliwa, chini ya § 99.38. (§ 99.31(a)(5))
- Kwa mashirika yanayoongoza masomo ya, au kwa niaba ya, shule ili: (a) kukuza, kuhalalisha, au kusimamia vipimo vya utabiri; (b) kusimamia mipango ya misaada ya wanafunzi; (c) kuboresha mafunzo, ikiwa mahitaji husika yametimizwa. (§ 99.31(a)(6))
- Kwa mashirika yenye vibali vya kutekeleza majukumu yao ya kuidhinisha. (§ 99.31(a)(7))
- Kwa wazazi wa mwanafunzi anayestahiki ikiwa mwanafunzi anategemea madhumuni ya ushuru ya IRS. (§ 99.31(a)(8))
- Kufuata agizo la mahakama au agizo lililotolewa kisheria ikiwa mahitaji husika yametimizwa. (§ 99.31(a)(9))
- Kwa viongozi wanaofaa wanaohusiana na dharura ya afya au usalama, chini ya § 99.36. (§ 99.31(a)(10))
- Maelezo ambayo shule imeteua kuwa “maelezo ya saraka” ikiwa mahitaji yanayotumika chini ya § 99.37 yanatimizwa. (§ 99.31(a)(11))
- Kwa mfanyakazi wa kesi au mwakilishi mwingine wa Jimbo au shirika la eneo la ustawi wa watoto au shirika la kikabila ambalo limeidhinishwa kufikia mpango wa kesi ya mwanafunzi wakati shirika kama hilo linawajibika kisheria, kwa mujibu wa sheria za Jimbo au kikabila, kwa ajili ya utunzaji na ulinzi wa mwanafunzi katika huduma ya ulezi. (20 U.S.C. § 1232g(b)(1)(L))
- Kwa Katibu wa Kilimo au wawakilishi walioidhinishwa wa Huduma ya Chakula na Lishe kwa madhumuni ya kufanya ufuatiliaji wa mpango, tathmini, na vipimo vya utendaji wa mpango vilivyoidhinishwa chini ya Sheria ya Chakula cha Mchana ya Shule ya Kitaifa ya Richard B. Russell au Sheria ya Lishe ya Mtoto ya 1966, chini ya masharti fulani. (20 U.S.C. § 1232g(b)(1)(K))