

# MONTROSE COMMUNITY SCHOOLS



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## ANNUAL NOTIFICATION TO PARENTS REGARDING STUDENT RECORDS AND SPECIFIC EVENTS/ACTIVITIES

The Family Educational Rights and Privacy Act ("FERPA") affords parents and students over eighteen (18) years of age ("adult students" or "eligible students") certain rights with respect to the student's education records. On February 24, 2014, the Board of Education adopted a policy regarding the disclosure of education records and the rights of parents and students to access education records. Copies of this policy and related guidelines are located in all school buildings and individual copies are available from the District's Records Officer ("DRO"), Dr. Linden Moore. The DRO is responsible for the supervision of student records in the school and his/her office is located at 300 Nanita Drive, Montrose, MI 48457 or s/he can be reached by calling 810-591-8812.

Each student's records will be kept in a confidential file located at the student's school office. The information in a student's record file will be available for review only by the parents or legal guardian of a student, an adult student and those authorized by State and Federal law and Board policy/guidelines. State and Federal law permits access by school officials who have a legitimate educational purpose. School officials for purpose of the Board's policy include a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, insurance carrier, medical consultant, or an online educational service provider/vendor); a contractor, consultant, volunteer or other party to whom the Board had outsourced a service otherwise performed by Board employees (e.g. a therapist, information technology (IT) staff); 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/her tasks (including volunteers). ***An individual will have a "legitimate educational purpose" if the record is necessary in order for the school official/employee to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family.***

In addition to school officials with a legitimate educational purpose, the Board may disclose personally identifiable information from the education records of a student without obtaining prior written consent of the parents or the eligible student:

- A. 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 34 C.F.R. 99.34.
- B. 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 Michigan Department of Education. Disclosures under this provision may be made, subject to the requirements of 34 C.F.R. 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 personally identifiable information 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.
- C. 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.
- D. to organizations conducting studies for, or on behalf of, the school, in order to: (1) develop, validate, or administer predictive tests; (2) administer student aid programs; or (3) improve instruction.
- E. to accrediting organizations to carry out their accrediting functions.

- F. to parents of an eligible student if the student is a dependent for IRS tax purposes.
- G. to comply with a judicial order or lawfully issued subpoena.
- H. to State and local officials or authorities in the juvenile justice system as it pertains to the system's ability to effectively serve, prior to adjudication, the student whose records were released, upon certification that the information will not be unlawfully released to third parties.
- I. to appropriate officials in connection with a health or safety emergency.
- J. information the school has designated as "directory information," as defined below and subject to the restrictions explained below.
- K. to an agency caseworker or other representative of a state or local child welfare agency, or tribal organization as defined in Federal law, who has the right to access a student's case plan as determined by the agency or organization, when such agency or organization is legally responsible for the care and protection of the student provided the education records and personally identifiable information will not be unlawfully released to third parties. The agency or organization may release the education records and personally identifiable information to an individual or entity engaged in addressing the student's education needs and authorized by the agency or organization to receive such disclosure and such disclosure is consistent with state or tribal laws applicable to protecting the confidentiality of a student's education records.
- L. to comply with a court order when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act) or dependency matters, and the order is issued in the context of that proceeding.

***A parent or adult student has the right to:***

- A. inspect and review the student's education records within forty-five (45) days after the School receives a request for access or within such shorter period as may be applicable to students with disabilities. The School has a form that can be used to submit such a request. The Custodian of Records ("COR") (building principal) will notify the parent or adult student of the time and place where the records can be inspected. Parents and adult students are not permitted to inspect and review the education records of other students. If there is a valid reason why a parent or adult student cannot personally inspect and review a student's education records, or if the parent or adult student specifically requests copies of education records, the COR may arrange for copies of the requested records to be delivered to the parent or adult student directly. The Board may charge a reasonable fee for the copying of records, which may be waived under circumstances of unusual hardship.
- B. request the amendment of the student's education records if the parent or adult student believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights. Parents or adult students who believe that a change is necessary should ask the COR to correct the record. Such a request should be made in writing and should identify the part of the record they want changed, and specify why it should be changed. If the record is not changed to the parent's or adult student's satisfaction or if the COR informs the parent or adult student that the record does not appear to be misleading, inaccurate, or in violation of any privacy right, the parent or adult student will be informed of his/her right to request a hearing. The parent or adult student may submit a written request for a hearing. The hearing will be conducted by a hearing officer who will submit his/her findings to the Superintendent. The Superintendent will make the final decision concerning whether to change the record. A parent or student who remains dissatisfied with the final decision of the Superintendent may request that an explanatory statement be placed in the student's file explaining the basis for the disagreement. The school has a form that may be used to identify which information in the record the parent or adult student believes is inaccurate, misleading, or a violation of the student's privacy rights, and to specify why it is inappropriate.
- C. consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that Federal and/or State law authorizes disclosure without consent (e.g. disclosure to school officials with legitimate educational interests). The school's AG 8330 describes those exceptions and is available upon request. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA

requires a 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.)

- D. challenge the Board's noncompliance with a parent's request to amend the records through a hearing. If the Custodian of Records decides not to amend the record, the parent or adult student will be so notified and provided the opportunity for a hearing. Additional information concerning the hearing will be provided when the individual is notified of the opportunity for a hearing. (See Paragraph B above).
- E. obtain a copy of the District's policy and administrative guideline on student records (Policy 8330 and AG 8330).

Both FERPA and M.C.L.A. 380.1135, require that the Board, with certain exceptions, obtain a parent or adult student's written consent prior to the disclosure of personally identifiable information about a student. However, the Board may disclose appropriately designated "directory information" without written consent, unless the parent or adult student advises the Board to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Board to include this type of information in certain school publications. Examples include: a playbill, showing a student's role in a drama/musical production; the annual yearbook; honor roll or other recognition lists; graduation programs and sports activity sheets (e.g. 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 or adult student's prior written consent. In addition, two (2) Federal laws require the District to provide military recruiters, upon request, with three (3) directory information categories, names, addresses, and telephone listings – unless parents or adult students have advised the District that they do not want their student's information disclosed without their prior written consent.

Each year the District will provide public notice to students and their parents of its intent to make available, upon request, certain information known as "directory information". **The Board designates as student "directory information" a student's name; participation in officially-recognized activities and sports; dates of attendance; date of graduation; awards received; honor rolls; scholarships.**

The Board will make the above information available upon a legitimate request unless a parent, guardian, or adult student notifies the School in writing within ten (10) days from the date of this notification that s/he will not permit distribution of any or all such information. Directory information will not be provided to any organization for any profit-making purpose.

Parents or eligible students who choose to prohibit the Board from disclosing any or all such directory information may not prevent the Board from requiring a student to wear, publicly display, or disclose a student ID card or badge that exhibits directory information. Students enrolled in online courses or programs sponsored or conducted by the Board must disclose or permit the disclosure of the student's name, identifier, or school email address in a class in which the student is enrolled.

### **SPECIFIC EVENTS/ACTIVITIES**

The Protection of Pupil Rights Amendment ("PPRA") requires the Board to notify parents and eligible students and obtain consent to allow parents or eligible students to opt the student out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one (1) or more of the following eight (8) area ("protected information surveys"):

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of other with whom respondents have close family relationship;
6. legally recognized privileged relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or the student's parent; and/or;
8. income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.

Each there will be a number of activities requiring parental notice and consent or opt-out for the upcoming school year. Often the list of these activities develops throughout the school year. In those cases where surveys and activities are scheduled after the school year starts, the Board will provide parents, within a reasonable period prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to adult students or an emancipated minor under State law.)

Parents have the right to inspect upon request a survey created by a third party before the survey is administered or distributed by the school to its students. See Board Policy 2416 concerning the procedures for making such a request.

Parents have the right to inspect upon request any instrument used in the collection of personal information from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose) before the instrument is administered or distributed to the students. See Board Policy 2416 concerning the procedures for making such a request.

Non-emergency, invasive physical examination(s) or screening(s) may be scheduled (refer to Policy 5310):\* **Parents may opt their child out of participation in any such activity.**

Parents have the right to inspect upon request any instructional material used as a part of the educational curriculum for their student. See Board Policy 2416 for the procedures for making such a request.

Any parent or student who believes that the School District has failed to comply with the Family Education Rights and Privacy Act ("FERPA") or the Protection of Pupil Rights Amendment ("PPRA"), may file a complaint directly with the **Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520.**

This Notice will be transmitted to disabled parents and students or to non-English speaking parents and students in a format designed to accommodate their disability or in their native language. Call the Office of the Superintendent at 810-591-8812 for assistance and information.

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**Notes:**

\* These examinations/screenings are: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of the student, or other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.