

**ANNUAL NOTIFICATION OF RIGHTS FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT  
(FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records (Section 9528, Elementary and Secondary Education Act; 20 U.S.C. § 7908 and § 1232g; 10 U.S.C. § 503(c); 34 CFR Part 99). These rights are:

1. The right to inspect and review the student’s education records within 45-days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) 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 is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading, and 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 advise them 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 consent to disclosures of personally identifiable information (PII) contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. Parents and eligible students have a right to inspect and review the record of disclosures.
4. FERPA regulations authorizes disclosure of PII from the education records of a student without obtaining prior written consent of the parents or the eligible student and the disclosure meets certain conditions found in the FERPA regulations to other school officials, a school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel), with legitimate educational interests, including teachers, school board members, contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions (such as an attorney, auditor, medical consultant, or therapist), provided that the conditions are met in accordance with FERPA regulations; 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; to the Department of Education/State or local educational authorities in connection with an audit or evaluation of Federal/State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs and 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; in connection with financial aid for which the student has applied or for which the student has received; to State/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 in accordance with FERPA regulations; to organizations conducting studies for, or on behalf of, the school, in order to develop, validate, or administer predictive tests, or administer student aid programs; or improve instruction; to accrediting organizations to carry out their accrediting functions; to parents of an eligible student if the student is a dependent for IRS tax purposes; To comply with a judicial order or lawfully issued subpoena; to appropriate officials in connection with a health or safety emergency; information the school has designated as “directory information” under §99.37. (§99.31(a)(11)). Federal law requires school districts to provide military recruiters, upon request, with three directory information categories, names, addresses, and telephone listings, unless the parent or eligible student notifies the school district, by submitting a Request of Non-disclosure of Directory Information form, within thirty (30) days of the date of this notice that they do not want the directory information released.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Mountain Home School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., S.W.  
Washington, DC 20202-5901

Any parent or eligible student may prohibit the release of any or all information designated as “directory information” by submitting a signed letter or a REQUEST OF NON-DISCLOSURE OF DIRECTORY INFORMATION FORM (obtained on the school district website) to the building principal within thirty (30) days of the official school start date.

Directory Information: Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed, such as but not limited to student’s name, address, telephone listing, and electronic mail address; photographs, videos, and electronic images; date and place of birth, grade level, enrollment status, dates of attendance, major field of study; participation in officially recognized activities, sports, and clubs; weight and height of athletes; degrees and awards received; and most recent previous educational institution attended; student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records. (20 U.S.C. 1232g(a)(5)(A))



**LEGAL REFERENCE:**

Family Educational Rights and Privacy Act of 1974 (FERPA)

<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap31-subchapIII-part4-sec1232g.pdf>

Electronic Code of Federal Regulations pertaining to FERPA: 34 CFR Part 99

<http://www.ecfr.gov/cgibin/textidx?c=ecfr&sid=11975031b82001bed902b3e73f33e604&rgn=div5&view=text&node=34:1.1.1.1.33&idno=34>

U.S. Department of Education, Family Policy Compliance Office

<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Idaho Student Data Accessibility, Transparency and Accountability Act of 2014

Idaho Code Title 33, Section 133 – Definitions – Student Data – Use and Limitations – Penalties

Idaho Code Section 32-717A – Parents’ Access to Records and Information

<http://legislature.idaho.gov/legislation/2014/S1372E1.pdf>

10 U.S.C. § 503(c)

20 USC 1232g

20 USC 1412(2)(D) and 1417 (Reauthorized 2004)

20 U.S.C. § 7908

34 CFR Section 300.560 through Section 300.576

34 CFR Sections 300.610 through 300.626

34 CFR Part 99

Uninterrupted Scholars Act, Pub.L. 112-278 (2013)

Individuals with Disabilities Education Improvement Act of 2004

P.L. 93-380 (FERPA)

Idaho Special Education Manual 2016

Elementary and Secondary Education Act, Section 9528

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