

701 – Family Educational Rights & Privacy Act (FERPA) Policy

I. Purpose

The Family Educational Rights and Privacy Act (FERPA) affords parents, caregivers and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. The Bryan Allen Stevenson School of Excellence (BASSE) adopts this policy in compliance with Federal FERPA and Delaware State law requirements.

II. Policy Statement

BASSE, in compliance with Federal and State laws, acknowledges and supports the following rights as they pertain to a student's personal records according to FERPA regulations and mandates:

- A. The right of parents/caregivers or eligible students to inspect and review the student's education records within 45 days of the day BASSE receives a request for access.
- B. The right of a parent/caregiver or eligible student who wishes to inspect their child's, (or their) education records to submit to the BASSE Head of School, a written request that identifies the record(s) they wish to inspect. Once access approval protocols are satisfied, the BASSE official or designee will arrange for access and notify the parent/guardian or eligible student of the time and place where the record(s) may be inspected.
- C. The right of parents/caregivers or eligible students to request an amendment of the student's education records that the parents/caregivers or eligible students believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- D. The right of parents/caregivers or eligible students to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- E. The right of parents/caregivers or eligible students to file a complaint with the U.S. Department of Education concerning alleged failure by BASSE to comply with the requirements of FERPA. The name and of address of the Office that administers FERPA is:

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

- F. Under FERPA, BASSE may disclose information without prior consent by parents/caregivers or eligible students to: 1) officials within the Department of Education, 2) BASSE officials with whom the school has determined have a legitimate educational interest, 3) any entity authorized to receive directory information pursuant to the No Child Left Behind Act of 2001 (P.L. No. 107-110), 4) the right of parents/caregivers, or eligible students to inspect their education records, and have submitted to the BASSE Head of School a written request that identifies the record(s) they wish to inspect.

III. Rationale

BASSE recognizes the need for careful handling of student information and therefore intends through this policy to outline the process and procedures to be followed.

IV. Definitions

- A. School Official – 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).

V. Implementation Guidelines

- A. To make a request for a student's records to be changed, parents/caregivers or eligible students should submit a request in writing to the Head of School. The request should clearly identify the part of the record they want to have changed and specify why it is inaccurate or misleading.
- B. If BASSE decides not to amend the record as requested by the parent/caregiver or eligible student, BASSE will notify the parent/caregiver or eligible student of the decision and advise them of their right to a hearing regarding the request for the amendment. Additional information regarding the hearing procedures will be provided to the parents/caregivers or eligible students when notified of the rights to a hearing.
- C. Records may be released to officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for the purposes related to the enrollment or transfer.
- D. Records may be released to specified officials in connection with an audit or evaluation of Federal or State-supported education programs or for the enforcement of or compliance with the legal requirements that relate to those programs for audit or evaluation purposes.
- E. Records may be released to appropriate parties in connection with financial aid for a student.
- F. Records may be released to organizations conducting certain studies on behalf of the school.
- G. Records may be released to accrediting organizations.
- H. Records may be released to maintain compliance with a judicial order or lawfully issued subpoena.
- I. Records may be released to appropriate officials in case of health and safety emergencies.
- J. Records may be released to state and local officials and authorities within a juvenile justice system pursuant to applicable laws.
- K. Records may be released to an agency caseworker or other representative of a state or local child welfare agency or tribal organization when such agency or organization is legally responsible for the care and protection of the student.

- L. Records may be released to the State Secretary of Agriculture or representatives of the Food Nutrition Service.
- M. Records may be released to serve for monitoring and evaluating of programs authorized under Richard B. Russell National School Lunch Act or Child Nutrition Act of 1966.
- N. Records may be released to BASSE school officials with a legitimate educational interest.
- O. Records may be released to a person serving on the BASSE Board of Directors with a legitimate educational interest.
- P. Records may be released to a person or company with whom BASSE has a contract to perform a function or service.
- Q. Records may be released to an agency or entity performing a task (i.e. attorney, auditor, medical consultant, or therapist).
- R. Records may be released to a parent/guardian 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.
- S. 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.
- T. BASSE will release information to the Delaware Department of Education regarding student information, either directory or not, that is necessary to ensure the proper operation of BASSE functions and student safety.
- U. BASSE will also provide authorized Military Recruiters access to directory information so that students can receive information relevant to transitional career opportunities.

Related Policies:

A. xxx

Related Procedures and Documents:

A. xxx

Approval: 07/11/2024

Revision Dates: