

## FERPA - Notification of Family Education Rights and Privacy

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of scholar education records.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the scholar when s/he reaches the age of 18 or attends a school beyond the high school level. Scholars to whom the rights have transferred are "eligible scholars."

Parents or eligible scholars have the right to inspect and review the scholar's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible scholars to review the records.

Parents or eligible scholars have the right to request that a school correct records that they believe to be inaccurate or misleading by emailing the main office of their scholar's school (Contact information can be found on page ten of this handbook). If the school decides not to amend the record, the parent or eligible scholar then has the right to a formal hearing, which must be requested in writing by the parent or scholar. At the hearing, the parent and/or scholar may present information and evidence concerning a clerical or recording error in the education record that needs to be corrected. The hearing officer, a disinterested party, will conduct the meeting and make a written decision based solely on the evidence provided at the hearing within a reasonable period of time after the hearing (but no more than 30 days). If the school still decides not to amend the record, the parent or eligible scholar has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible scholar in order to release any information from a scholar's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;<sup>1</sup>
- Other schools to which a scholar is transferring;
- Officials for audit or evaluation purposes;
- Parties in connection with financial aid to a scholar;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities within a juvenile justice system, pursuant to State law.

HCZ Promise Academy may disclose appropriately designated "directory information" without written consent unless you have advised the HCZ Promise Academy to the contrary in accordance with HCZ Promise Academy procedures. The primary purpose of directory information is to allow HCZ Promise Academy to include information from your child's education records in certain school publications. Examples include:

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<sup>1</sup> A school official with legitimate educational interests is defined as a person employed by the Harlem Children's Zone (HCZ) or HCZ Promise Academy Charter Schools in an administrative, supervisory, academic, research, or staff position (including security personnel and health staff); a person or company with whom the organization has contracted (such as an attorney or auditor); a person serving on the Board of Trustees; or a scholar serving on an official committee, such as an admission, disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her institutional duties.

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- A playbill showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing the 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 prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want HCZ Promise Academy to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must request an opt-out form from your school's main office within the first 20 days of the school year. HCZ Promise Academy has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's

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identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

For additional information, you may call 1800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TTD may call 1-800-437-0833. Or you may contact the Family Policy Compliance Office at the following address:

Family Policy Compliance Office  
U. S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520