

**SUBJECT: NOTIFICATION OF RIGHTS UNDER FERPA**

Date of Original: June 24, 2021

Revision Date:

**JURISDICTION: RSU 73 Schools****POLICY: NOTIFICATION OF RIGHTS UNDER FERPA**

The Family Education Rights and Privacy Act (FERPA) affords parents/guardians and students over 18 years of age (eligible students) certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day RSU 73 receives a request for access.

Parents/Guardians or eligible students should submit to the building principal or Superintendent a written request that identifies the record(s) they wish to inspect. The building principal or Superintendent will make arrangements for access and notify the parent/guardian 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/guardian or eligible student believes are inaccurate or misleading.

Parents/Guardians or eligible students may ask RSU 73 to amend a record that they believe is inaccurate or misleading. They should write to the Superintendent, identifying the part of the record they want changed and specify why it is inaccurate or misleading.

If RSU 73 decides not to amend the record as requested by the parent/guardian or eligible student, RSU 73 will notify the parent/guardian 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/guardian or eligible student when notified of the right to a hearing.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure with consent.

- a. Directory Information

RSU 73 designates the following student information as directory information that may be made public at its discretion: name, participation, and grade level of students in officially recognized activities and sports; height and weight of student athletes; dates of attendance in the school unit; and honors and awards received. Parents/Guardians and eligible students who do not want RSU 73 to disclose directory information must notify the Superintendent in writing by September 15 each year or within 30 days of enrollment, whichever is later.

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b. Military Recruiters / Institutions of Higher Learning

Military recruiters and institutions of higher learning are entitled to receive the names, addresses, and telephone numbers of secondary students unless the student's parents/guardians or eligible student has notified the Superintendent, in writing, that this information may not be released without the parent/guardian or eligible student's written consent. Parents/Guardians or eligible students who do not want RSU 73 to disclose this information must notify the Superintendent in writing by September 15 each year or within 30 days of enrollment, whichever is later.

c. School Officials with Legitimate Educational Interests

Education records may be disclosed to school officials with a "legitimate educational interest." A school official is a person employed by the school unit as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school unit has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a "legitimate educational interest" if they need to review an education record in order to fulfill their professional responsibility.

d. Other School Units

As required by law, RSU 73 sends student education records to a school unit where a student applies for transfer, including disciplinary records, attendance records, special education records, and health records (except for confidential health records for which consent for dissemination has not been obtained).

e. Health and Safety Emergencies

In accordance with federal regulation, RSU 73 may disclose education records without prior written consent in a health or safety emergency to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by RSU 73 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 Avenue, S.W.  
Washington, DC 20202-4605

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Under Maine law, RSU 73 shall not publish on the Internet without written parental/guardian consent any information, whether directory or otherwise, that identifies a student, including but not limited to the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number, and parents'/guardians' names.

RSU 73 maintains a more extensive policy and procedure concerning education records. This policy and procedure can be obtained by contacting the Office of the Superintendent.

Legal Reference: 20 U.S.C. § 7908  
34 C.F.R. § 99.7  
20-A M.R.S.A. § 6001