

Annual Notification to Parents Regarding Confidentiality of Student Education Records and School Directory Information

Confidentiality of education records is a right of public school students and their parents. This right is provided for by two federal laws, the Individuals with Disability Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). Under these laws, "education records" means those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. Of course, education records are maintained on every child enrolled in a public school. The types of information gathered and maintained includes, but is not limited to: the student's and parent's names, address and telephone number; the student's date and place of birth, date of enrollment in the school, records from previous schools attended, attendance records, subjects taken, grades, school activities, assessment results, number of credits earned, immunization records, disciplinary records, if any, correspondence from parents, and child find and other screening results, including hearing and vision screening results.

In addition, for children with disabilities, education records could include, among other things, evaluation and testing materials, medical and health information, each annual Individualized Education Program (IEP), notices to parents, notes regarding IEP meetings, parental consent documents, information provided by parents, progress reports, assessment results, materials related to disciplinary actions and mediation agreements.

The information is gathered from a number of sources including the student's parents and staff of the school of attendance. Also, with parental permission, information may be gathered from additional sources, including doctors and other health care providers.

This information is gathered to assure proper identification of a student and the student's parents and the maintenance of accurate records of the student's progress and activities in school. For children with disabilities, additional information is collected in order to assure the child is identified, evaluated, and provided a Free Appropriate Public Education in accordance with state and federal special education laws.

Each agency participating under Part B of IDEA must assure that at all stages of gathering, storing, retaining, and disclosing education records to third parties that it complies with the federal confidentiality laws. In addition, the destruction of any educational records of a child with a disability must be in accordance with IDEA regulatory requirements.

The federal Family Policy Compliance Office of the U.S. Department of Education has provided the following notice of parent's rights under FERPA. In accordance with IDEA, the rights of the parents regarding education records are transferred to the student at age 18.

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. These 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 (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal 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 are inaccurate or misleading.

Parents or eligible students may ask a school district to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

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 contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is 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); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); 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 or her task.

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.

Upon request, a school may disclose education records, without consent, to officials of another school district in which a student seeks or intends to enroll, if the school states in its annual notification of FERPA rights that it forwards records upon request.

- 4) The right to file a complaint with the U.D. Department of Education concerning alleged failures by a school to comply with 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, D.C. 20202-4605
(202) 260-3887 Voice
(800) 877-8339 TDD

A school may designate information in education records as "directory information" and may disclose it without parent consent, unless notified that the school is not to disclose the information without consent. The Law defines "directory information" as follows:

The student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

Notice of these rights are available, upon request, on audiotape, in Braille, and in languages other than English. You may contact the Arizona Department of Education at (602) 542-3111.

Notificación Anual a los Padres con Respecto a la Confidencialidad de los Expedientes Académicos de los Estudiantes

La Ley de los Derechos y Privacidad Educativos de la Familia (Family Educational Rights and Privacy Act o FERPA) es la ley Federal que protege la privacidad de los expedientes académicos de los estudiantes. FERPA les da a los padres ciertos derechos con respecto a los expedientes académicos de sus hijos. Estos derechos pasan al estudiante cuando éste alcanza la edad de 18 años o asiste a una escuela superior al nivel preparatoria. Estudiantes a quienes los derechos han sido transferidos son “estudiantes elegibles.”

- Los padres o el estudiante elegible tienen derecho a inspeccionar y revisar el expediente académico del estudiante que es mantenido por la escuela dentro de un período de 45 días a partir de la solicitud hecha al administrador de la escuela. No es obligación de las escuelas proporcionar copias a no ser que sea imposible para los padres o el estudiante elegible revisar el expediente académico sin copias. Las escuelas pueden cobrar una cuota por proporcionar copias.
- Los padres o el estudiante elegible tienen el derecho a solicitar por escrito que la escuela corrija el expediente académico que ellos creen sea inexacto o engañoso. Si la escuela decide no corregir el expediente académico, el padre o estudiante elegible tiene derecho a una audiencia formal. Después de la audiencia, si la escuela todavía decide no corregir el expediente, el padre o estudiante elegible tiene derecho de poner una declaración en el expediente que presenta su punto de vista sobre los datos protestados.
- Por lo general, las escuelas deben tener permiso de los padres o del estudiante elegible por escrito para poder revelar cualquier dato del expediente académico del estudiante.

Autoridades escolares con interés educacional legítimo

- Autoridad escolar es una persona empleada o contratada por la escuela para servir como administrador, supervisor, maestro o personal de apoyo (incluyendo personal de salud, personal policial, abogado, auditor u otros con funciones similares); una persona que sirve en la mesa directiva de la escuela; o padre o estudiante que sirve como miembro de un comité autorizado o que asiste a otra autoridad escolar en sus funciones;
- Un interés educacional legítimo significa que la revisión del expediente es necesaria para cumplir con una responsabilidad profesional para la escuela;

Otras escuelas en las que el estudiante está solicitando inscripción;

Autoridades especificadas para propósitos de auditoría o evaluación;

Partes competentes en relación a asistencia de financiamiento para un estudiante;

Organizaciones conduciendo ciertos estudios por o en nombre de la escuela;

Organizaciones de acreditación;

Para cumplir con una orden judicial o citación emitida de acuerdo con la ley

Oficiales competentes en casos de emergencias de salud y seguridad; y

Autoridades estatales y locales, dentro del sistema de justicia para menores, de conformidad con la ley estatal específica.

Las escuelas pueden divulgar, sin consentimiento, datos de “directorio” tales como nombre del estudiante, dirección, número de teléfono, fecha y lugar de nacimiento, honores y premios, participación en deportes (incluyendo estatura y peso de los atletas) y fechas de asistencia si no son notificados por los padres o estudiante elegible que la escuela no debe divulgar la información sin consentimiento.

La Ley de la Educación de Personas con Discapacidades (Individuals with Disabilities Education Act or IDEA) es una ley federal que protege los derechos de estudiantes con discapacidades. Además de los expedientes académicos normales, los expedientes académicos para estudiantes con discapacidades podrían incluir materiales sobre evaluación y exámenes, datos médicos y de salud, Programas Educativos Individualizados y autorizaciones relacionadas, reportes de progreso, materiales relacionadas con acciones disciplinarias y acuerdos de mediación. Tal información es reunida de un número de fuentes, incluyendo los padres del estudiante y personal de la escuela donde asiste el estudiante. También, con permiso de los padres, se pueden reunir datos de fuentes pertinentes adicionales, tales como doctores y otros proveedores de servicios de la salud. Estos datos son recogidos para asegurar que el menor es identificado, evaluado y provisto de una Educación Pública Adecuada Gratuita de acuerdo con las leyes estatales y federales sobre educación especial.

Cada una de las agencias participantes bajo la Parte B de IDEA debe asegurarse que, en todas las etapas de la recolección, archivo, retención y divulgación de los expedientes académicos a terceras partes, cumpla con las leyes federales de confidencialidad. Además, la destrucción de cualquier expediente académico de un menor con una discapacidad debe ser de acuerdo con los requisitos reglamentarios de IDEA.

Para información adicional o para presentar una queja, puede llamar al gobierno federal al (202) 260-3887 (voz) o al 1-800-877-8339 (TDD) o al Departamento de Educación de Arizona (ADE/ESS) al (602) 542-4013. O puede usted contactar:

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| Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, D. C. 20202-5901 | Arizona Department of Education Exceptional Student Services 1535 W. Jefferson, BIN 24 Phoenix, AZ 85007 |
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Este aviso está disponible en inglés y en español en la website del ADE en www.ade.az.gov/ess/resources bajo formas. Para asistencia para obtener este aviso en otros idiomas, contacte al ADE/ESS en el número de teléfono/dirección que se da arriba.