

THERESA AXFORD
Superintendent of Schools



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FERPA (Family Educational Rights and Privacy Act) LETTER

April 2022

Dear Parent, Guardian, or Adult Student,

The purpose of this letter is to inform you of your rights concerning your child's or your educational records.

It is the desire of the School Board of Monroe County, Florida, to protect the accuracy and privacy of student records. Our district's *Policy 8330 Student Records* is designed to safeguard student data included in Directory Information. Federal and State laws require each school district to provide parents, guardians, and adult students with an annual written notice of their rights regarding student records and reports. The intent of the law is to protect the accuracy and privacy of students' educational records. You have the following rights:

- a) The right to inspect and review the student's education records within forty-five (45) days of the day that the District receives a request for access.
- b) The right to request the amendment for the student's education records that the parent, guardian, or eligible student believes is inaccurate or misleading.
Parents, guardians, or eligible students may ask the Monroe County School District to amend a record that they believe is inaccurate or misleading by writing a letter to the school principal that clearly identifies the part of the record that they want changed, and should specify why it is inaccurate or misleading. If the District decides not to amend the record as requested the parent, guardian, or eligible student then the District will notify the parent, guardian, or eligible student 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 the hearing.
- c) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Federal Educational Records Privacy Act (FERPA), codified at 20 U.S.C.A. § 1232(g), authorizes disclosure without consent.
- d) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the 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, SW
Washington, DC 20202-4605
Email: FERPA.Complaints@ed.gov
Web: <https://studentprivacy.ed.gov/>

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 District as an administrator, a supervisor, an 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 District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee (such as 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 professional responsibilities.

Educational agencies and institutions are also permitted to disclose personally identifiable information, without consent, from educational records to appropriate parties, including parents, whose knowledge of the information is necessary to protect the health and safety of the student or others.

Furthermore, disclosure of the student records is permitted without consent in the following instances:

- a) To the Attorney General of the United States or his designees in response to an *ex parte* order in connection with the investigation or prosecution of terrorism;
- b) In response to lawfully issued subpoenas and court orders;
- c) In connection with a health and safety emergency;
- d) Records created and maintained for law enforcement purposes by the school law enforcement unit; and
- e) In response to a request for records by the Immigration and Naturalization Service (INS) for a student who has signed the INS Form I-20 for the purpose of allowing INS to determine the student's nonimmigrant status.

In addition, you must receive annual written notice of the categories of personally identifiable information designated as directory information for which consent to release is not required. The District School Board of Monroe County defines directory information as:

"the student's name; address; telephone – if it is a listed number; date and place of birth; participation in officially-recognized activities and sports; height and weight – if a member of an athletic team; dates of attendance; date of graduation or program completion; and awards received."

Parents, guardians, and adult students have the right to prohibit the release of any or all categories of personally identifiable information defined as directory information. To prohibit the release of directory information you must notify the school principal in writing that directory information is not to be released for a specified student. Each school district that receives funds under the Elementary and Secondary Act of 1965 must comply with a request from a military recruiter or an institution of higher education for secondary students' names, addresses, and telephone numbers; unless a parent, guardian, or eligible student has "opted out" of providing directory information. (See form below.)

However, personally identifiable records or reports of a pupil or student may be release, without the consent of the pupil's parent or guardian, or eligible student, to parties of interagency agreement among the Department of Health and Rehabilitative Services, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by

promoting cooperation and collaboration, and out-of-school suspensions, to support alternatives to in-school and out-of-school suspensions and exclusions, and which support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coding the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent, guardian, or other responsible adult on behalf of the juvenile.

If you have any questions, please contact your school counselor.

Sincerely,
Theresa Axford
Superintendent of Schools

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To opt out of permitting the release of directory information, return this portion of this form to the principal of your student's school.

Do not release directory information about:

Student name: _____ **to**
(Please print the student's full legal name legibly.)

military recruiters; any individual, agency, or organization.

Signature: _____ **Date:** _____

Printed Name: _____

Select one: Parent Guardian Adult Student