



Provo City School District Policy Series 3000: Students

3210 P1

Compliance with FERPA

1. General Procedures:
 - a. A copy of the Annual FERPA Notice must be included in student registration process.
 - b. The Annual FERPA Notice will be posted on the Provo City School District website, and/or otherwise widely distributed and available to parent(s)/guardian(s).
 - c. The Provo City School District Notice for Directory Information will be included in the school registration process, posted on the Provo City School District website and/or otherwise widely distributed and available to parent(s)/guardian(s).

2. Denial of Release of Student Information:
 - a. When a school receives either a parent's/guardian's, or eligible student's (those over the age of 18 or who have been emancipated) written request, using the district student registration process, to deny the release of the student's directory information, the school will enter the request into the student information system in a timely manner and in such a way that any employee being asked to provide student information may readily determine whether a request has been made to deny disclosure of the student's information.
 - b. When parent(s)/guardian(s) or eligible student chooses the option of denying the release of directory information, they are opting out of the release of all designated information, except to the extent that FERPA authorizes disclosure deemed by the district as necessary to protect the health or safety of the student or other individuals and disclosure to school officials with legitimate educational interests. A school official is a person employed by the district 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 district has contracted to perform a special task (such as an attorney, hearing officer, auditor, medical consultant, therapist, or app/website); 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 his/her tasks. A school official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
 - c. Parent(s)/guardian(s) may not select items or circumstances under which some information may or may not be released.
 - d. Once an eligible student or parent(s)/guardian(s) have made a request to deny the release of the student's information, the request will be effective in successive school years, unless changed in writing by the eligible student or parent(s)/guardian(s).
 - e. Each school will monitor requests to deny release of their students' directory information to ensure that the request is honored.
 - f. At the high school level, all requests for student names, addresses and telephone listings received from military recruiters or institutions of higher

education will be referred to the Provo City School District Office of Student Services for a response.

- g. Before releasing student directory information, the Assistant Superintendent of Student Services, school administration, or designee will review the district database to verify that parent(s)/guardian(s) or eligible student's requests to deny release of the student's information have been correctly entered into the Student Information System.
 - h. The district will not release directory information of any eligible student who has requested, or whose parent(s)/guardian(s) have requested that the information not be released.
3. Requests to Review Student Records:
- a. Parents and legal guardians of students currently enrolled or eligible students may submit a written request to the school principal or designee to review or obtain copies of the student's records.
 - b. Before allowing a person access to student records, school personnel must verify the identity of the person making the request. The district designates certain student information as Directory Information. Such information may be released without parental/guardian consent; however, student information should not be released routinely on request from the public. School employees should contact Student Services if they have questions about requests they may receive.
 - c. Access to school records under FERPA pertains only to official educational records, such as grades, attendance, and other information found in the cumulative file. It does not extend to classroom records held by an individual teacher, principal, counselor or other staff.
 - d. Schools are not required to prepare special reports or to recreate lost or destroyed records to satisfy a request for student records.
 - e. Copies of records must be provided to parent(s)/guardian(s), and students at a reasonable cost. Inability to pay reproduction costs may not prohibit access to the record itself.
 - f. Requests for access to records should be granted in a timely manner and no longer than 45 days from the date of the request.
 - g. Schools must maintain a record of each request for access to, and each disclosure they make from an education record.
 - h. The record of access must include the name(s) of party(ies) who have requested or received information from the records and the reason for the request.
 - i. A copy of the signed parent/guardian consent to NOT release a record must be kept on file.
4. Custody Issues and Non-Custodial Parent Requests for Information & Contact:
- a. Non-custodial parent/guardian has the right to access their students' record unless the school is presented with a court order that prohibits the non-custodial parent/guardian from such access.
 - b. Custodial parent/guardian may not prohibit the non-custodial parent's/guardian's access to their child's record unless prohibited by court order.
 - c. Non-custodial parent/guardian must make a written request to obtain their student's educational record.
 - d. Schools will not accept or honor any standing request for periodic release of records to non-custodial parent/guardian.

- e. FERPA applies only to written educational records. It does not govern personal contacts, visits, or conferences.
 - f. Typically, parent(s)/guardian(s) do not visit children at school during school hours, regardless of whether the parent(s)/guardian(s) have custody. If a school permits parent(s)/guardian(s) to visit their child during school hours, and there is a court order regarding custody, a noncustodial parent/guardian may only have access to the child with the permission of the custodial parent or as specifically authorized in the court order.
 - g. School personnel are prohibited from writing letters of support for parent(s)/guardian(s) who are involved in legal custody disputes or proceedings, nor may they be acting as a mediator for custody disputes or visitation disagreements.
 - h. In situations where legal custody cannot be verified or staff cannot determine who has legal authority over and access to the child, the school will:
 - i. Allow only the person who enrolled the student to un-enroll the student;
 - ii. Contact a police officer or DCFS and release the student to one of them when parties are in conflict and cannot agree upon to whom the student may be released.
 - i. If any person causes a disruption on a school campus, the principal has the legal authority to require disruptive parent(s)/guardian(s) or other adults to refrain from coming on to school property without making arrangements through him or her. Principals can deny such persons any access to school property if there is safety, annoyance, or potential injury concerns, Utah Code 53A-3-503. The principal should notify the person in writing of his or her decision about their access.
5. Requests to Amend Student Records:
- a. If parent(s)/guardian(s) believes their student's record contains information that is inaccurate, misleading or in violation of the student's right of privacy, they may request that the record be amended or corrected.
 - b. Parents or guardians should submit a written request to the principal for a review of their student's record. The parent(s)/guardian(s) should cite information they believe to be inaccurate, misleading or a violation of their child's privacy rights and provide any documentation that supports their belief.
 - c. The principal will review the record and gather more information which may include conferencing with the parent(s)/guardian(s) to clarify their concerns. The principal will render a decision within 20 school days of the receipt of the request.
 - d. If parent(s)/guardian(s) wish to appeal the principal's decision, they may send a written request for a hearing to the Teaching and Learning Office within ten (10) school days of the principal's decision.
 - e. The Teaching and Learning Office will refer the appeal to the Assistant Superintendent of Student Services who will conduct a hearing within 20 school days in which the parent(s)/guardian(s) have the opportunity to present evidence supporting their request that the record be changed.
 - f. Parent(s)/guardian(s) may be assisted or represented by one or more individuals, including their attorney; however, parent(s)/guardian(s) must give advanced notice if they intend to bring legal counsel so that the district has the opportunity to have legal representation as well.

- g. The Assistant Superintendent of Student Services will render a written decision within 20 school days. The decision will include a summary of the evidence and the reasons for the decision.
 - h. If the decision is made to amend or correct the student's record, the amendment will be made and the parent(s)/guardian(s) will be informed of the amendment in writing.
 - i. If the Assistant Superintendent of Student Services determines that the record will not be changed, the parent(s)/guardian(s) may place a statement in the record commenting on the contested information and/or an explanation of why they disagree with the district's decision.
- 6. Requests for Records by Subpoena or in an Emergency:
 - a. Before releasing student information when subpoenaed by law (unless otherwise ordered in the subpoena not to), the school should notify the parent(s)/guardian(s) that their child's record has been subpoenaed so that the parent(s)/guardian(s) have the opportunity to seek legal counsel.
 - b. School officials may disclose student information to appropriate parties in an emergency situation, if the sharing of information is necessary to protect the health or safety of the student or others.
- 7. Notification and Requests to Review Materials under PPRA:
 - a. Parents or guardians must receive notification at least two weeks before any survey, analysis, or evaluation may be administered to students or any planned activities or class assignments are implemented, if the content relates to one or more of the eight protected areas under PPRA.
 - b. Parents or guardians must give written consent for their student to participate in any of the above named activities.
 - c. School staff will provide appropriate consent forms to parent(s)/guardian(s) and will monitor student participation as per written parental/guardian consent.
 - d. Parents or guardians may waive the two-week minimum notification period.
 - e. Parents or guardians will have access to and the opportunity to review any and all materials, surveys, assignments, or evaluations if the content relates to any of the protected areas under PPRA.
- 8. Media Requests and Internet Safety:
 - a. Unless the release of a student's information has been denied as described in the Annual FERPA Notice, the student may be photographed or videotaped by news media during coverage of school events or programs.