

Notification of Rights Under the Family Educational Rights and Privacy Act for Elementary and Secondary Schools

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 educational records. They are:

(1) The right to inspect and review the student's educational records within 45 days of the day the District receives a request for access. Parents or eligible students should submit to the school principal 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 student's education records that the parent or eligible student believes are inaccurate or misleading, or are otherwise in violation of the student's privacy rights under FERPA.

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

If Jackson County Schools does not honor the request to amend the record as requested by the parent or eligible student, the parent or eligible student will be notified of the decision, and advised of their right to a hearing regarding the request of 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 Jackson County Schools as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel); a person serving on the School Board; a person or company with whom Jackson County Schools 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 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 responsibility.

Jackson County Schools discloses directory information without consent. Directory information is defined as information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes a student's name, address, photograph, 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 school attended, and other similar information. Additionally, Jackson County Schools forwards education records, including electronic transcripts, to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll, without prior consent of the parents or eligible students. Names, addresses, and telephone listings of secondary students are designated as directory information for the purpose of providing the information to military recruiters unless the parents/guardians have advised the board of education that they do not want their student's information disclosed without prior written consent. A parent or eligible student who does not want such information to be disclosed, should request in writing, prior to the beginning of the school term, that such information is to be withheld.

Upon request, Jackson County Schools discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

(4) Parents or eligible students have the right to file a complaint with the WV Department of Education or the US Department of Education concerning alleged failures by Jackson County Schools to comply with the requirements of FERPA. Complaints should be forwarded to:

Office of the Superintendent
WV Department of Education
Building 6/ 1900 Kanawha Blvd. East
Charleston, WV 25305-0330

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

PLEASE PUBLISH AS A LEGAL NOTICE IN THE JULY 1 and AUGUST 3, 2018 ISSUES