

August 2022

ANNUAL NOTIFICATION TO PARENTS AND STUDENTS OF CONFIDENTIALITY AND STUDENT RECORDS

Grand Forks Public Schools Families,

The purpose of this notice is to inform you of your rights under two federal laws – the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA).

NOTICE OF RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to have the District notify you annually of your rights (this document);
2. The right to inspect and review the student's education records within 45 days after the day the District receives a request for access;

Parents or eligible students who wish to inspect their child's or their education records should submit to the building principal or designee a written request that identifies the records they wish to inspect. The building principal or designee shall make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected in accordance with board regulation FGA-BR1;

3. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the District to amend their child's or their education records should write the building principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the building principal or designee decides not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of the decision and 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;

4. The right to provide written consent before the District discloses personally identifiable information (PII) from 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 Board, or Contractors, consultants, volunteers, service providers, or other party with whom the District has outsourced institutional services or functions for which the District would otherwise use employees; records provided to these third parties must remain directly under the District's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the District's attorney, PowerSchool, SLDS, learning management software, Child Nutrition software, and district alert systems); and

Upon request, the District may disclose 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; and

5. 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 are:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Disclosure of PII without Consent

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the District to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. The District may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student:

1. To other school officials, as defined in #4 above, that the District has determined to have legitimate educational interests. This may include contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1));
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2));
3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35);
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4));
5. To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5));
6. To organizations conducting studies for, or on behalf of, the District, in order to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. (§99.31(a)(6));

7. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7));
8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8));
9. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
10. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10));
11. Information the District has designated as “directory information” under §99.37. (§99.31(a)(11));
12. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L)); or
13. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K)).

NOTICE OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (Department):
 - a. Political affiliations or beliefs of the student or student’s parent;
 - b. Mental or psychological problems of the student or student’s family;
 - c. Sex behavior or attitudes;
 - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. Critical appraisals of others with whom respondents have close family relationships;
 - f. Legally recognized privileged or analogous relationships, such as with lawyers, doctors, or ministers;
 - g. Religious practices, affiliations, or beliefs of the student or parents; or
 - h. Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
 - a. Any other protected information survey, regardless of funding;
 - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the District or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or the District.

3. Inspect, upon request and before administration or use:
 - a. Protected information surveys of students and surveys created by a third party;
 - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 - c. Instructional material used as part of the educational curriculum.

These rights transfer from parents to a student who is 18 years old or an emancipated minor under State law.

The Grand Forks Public School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

The District shall directly notify parents of these policies at least annually at the start of each school year and within a reasonable time after any substantive changes. The District shall also directly notify, either through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt their child out of participation in the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

The following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales, or other distribution;
2. Administration of any protected information survey not funded in whole or in part by the Department; and
3. Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

NOTICE OF DIRECTORY INFORMATION AND OTHER DISCLOSURES

1. In addition to the above, FERPA provides that the District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with district procedures.

The primary purpose of directory information is to allow the District to include information from your child's education records in certain school and/or district publications. Examples include:

- a. A playbill, showing your student's role in a drama production;
- b. The annual yearbook;

- c. Honor roll or other recognition lists;
- d. Graduation programs; and
- e. Sports activity sheets, such as for wrestling, showing the weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with three directory information categories, names, addresses, and telephone listings, unless parents have advised the District that they do not want their student's information disclosed without their prior written consent.

If you do not want the District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by **the first day of school**. The District has designated the following information as directory information: 1) student's name (first and last); 2) address; 3) date of birth; 4) dates of attendance; 5) degrees, honors, and awards received; 6) grade level; 7) most recent school attended; 8) participation in officially recognized activities and sports; 9) photograph; 10) school email address; 11) telephone listing; and 12) weight and height of members of athletic teams. This information may be publicly released unless parents/eligible students inform the District otherwise (**see section "A" on form**).

- 2. Grand Forks Public Schools may receive a request from an individual or agency outside the district for directory information. This information, which involves the child's name, address, phone number, and grade level, may be publicly released unless parents/eligible students inform the District otherwise (**see section "B" on form**).
- 3. At times, representatives from radio, television, and print media may share human interest stories or report news (your child receiving an award, for example). This may include talking to students, taking pictures and/or videos. Student names and grade levels may be, but are not always, requested and/or included. This information may be released unless parents/eligible students inform the District otherwise (**see section "C" on form**).
- 4. Using a variety of Internet resources as a component of district curriculum and communication has become a necessary and important part of digital learning. Students will have opportunities to work with, learn, and publish content on district-approved Internet resources. This information (which may include child's name, picture, voice, video, and other academically created content), may be released unless parents/eligible students inform the District otherwise (**see section "D" on form**).
- 5. Two federal laws require the District to provide 9th, 10th, 11th, and 12th grade students' names, addresses, and telephone numbers to military recruiters upon request, unless parents/eligible students inform the District otherwise (**see section "E" on form**).
- 6. State law requires school Districts to provide 10th and 11th grade students' names, addresses, and phone numbers to the North Dakota University System, which in turn discloses to the state's colleges and universities, unless parents/eligible students inform the District otherwise (**see section "F" on form**).
- 7. State law requires school Districts to provide students' names and addresses to tutoring services (Supplemental Education Services) at certain Title I schools. These companies may contact you

about their services through mailed advertisements or promotional flyers only, unless parents/eligible students inform the District otherwise (**see section “G” on form**).

8. States and school districts that receive Title I funding are required to participate in the National Assessment of Educational Progress (NAEP) testing for purposes of providing a representative sample for measuring academic progress between states. Your child may be asked to participate in NAEP testing, unless parents/eligible students inform the District otherwise (**see section “H” on form**).

If you do not want your child’s information disclosed (**see #3 through #10 above**), please complete the form by the first day of school. If we do not receive the information by this date, we will assume that there are no objections to disclosing the information listed above. For families new to the District, or enrolling after the first day of the school year, you have 10 business days from the date of your child’s enrollment to submit the attached form to the main office at your child’s school.

Sincerely,

Catherine Gillach, Associate Superintendent of Secondary Education
Dr. Brenda Lewis, Assistant Superintendent of Elementary Education

**Student Information Opt-Out Form
August 2022**

Grand Forks Public Schools may, in some cases, disclose personally identifiable information about students without the consent of parents/eligible students (at least age 18) unless informed otherwise. If you do not want the District to disclose the information noted below, you must complete the applicable sections by the first day of school. For families new to the District, or enrolling after the first day of the school year, you have 10 business days from the date of your child's enrollment to submit the information. Thank you!

Option A: School or District-related Release of Directory Information (this pertains to students in all grades).

I do NOT want directory information about my child disclosed. Grand Forks Public Schools has designated the following information as directory information: 1) student's name (first and last); 2) address; 3) date of birth; 4) dates of attendance; 5) degrees, honors, and awards received; 6) grade level; 7) most recent school attended; 8) participation in official recognized activities and sports; 9) photograph; 10) school email address; 11) telephone listing; and 12) weight and height of members of athletic teams.

Option B: Public Release of Directory Information (this pertains to students in all grades).

I do NOT want directory information (child's name, address, phone number, grade level) about my child disclosed to any requestor who follows procedures.)

Option C: Media Release (this pertains to students in all grades).

I do NOT want my child to be included in media interviews or stories. If you select this option, your child will not be featured in television, radio, or print news stories.

Option D: Blog/Online Materials (this pertains to students in all grades).

I do NOT want my child's work and/or photo to appear in district-approved Internet resources originating from Grand Forks Public Schools.

Option E: Military Recruiters (this pertains only to students in grades 9, 10, 11, and 12).

I do NOT want my child's name, address, and phone number disclosed to military recruiters.

Option F: Colleges and Universities (this pertains only to students in grades 10 and 11).

I do NOT want my child's name, address, and phone number disclosed to colleges/universities.

Option G: Supplemental Educational Services (this pertains only to certain Title I schools).

I do NOT want my child's name, address, and phone number disclosed to SES providers.

Option H: NAEP Testing (this pertains to students in all grades).

I do NOT want my child to participate in NAEP testing.

Student Name: _____ School: _____ Grade: _____

Parent/Guardian Name (Please Print): _____

Parent/Guardian Signature: _____ Date: _____

Parent/Guardian Home Phone Number: _____