

Options For Youth Public Charter Schools
Annual Notification of Rights and Notice Regarding Disclosure of Student Directory Information
Under the Family Educational Rights and Privacy Act

The *Family Educational Rights and Privacy Act* ("FERPA"), a Federal law, affords parents and student 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 inspect and review the student's education records within forty-five (45) days after the day Options For Youth Public Charter Schools ("OFY") receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The school official 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, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask OFY to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. 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 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 provide written consent before the school 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) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer 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. Upon request, the school 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. The right to file a complaint with the U.S. Department of Education concerning alleged failures by OFY to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

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 school

to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes 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))
- 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))
- 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)
- 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))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a 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))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

Although FERPA requires that OFY, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records, OFY may disclose appropriately designated "directory information" without written consent, unless you have advised OFY to the contrary in accordance with OFY's procedures. The primary purpose of directory information is to allow OFY to include information from your child's education records in certain school publications.

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 local educational agencies ("LEAs") receiving assistance under the Elementary and Secondary Education Act of 1965, as amended ("ESEA") to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

As part of OFY's annual notification under FERPA, OFY has designated the following categories of information as directory information for the 2017-2018 school year:

- Student's name
- Telephone number
- Email address
- Home address
- Drop Code
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received

Examples of how and where OFY may disclose directory information include, but are not limited to, the following:

- Newsletters
- A playbill, showing student's role in a drama production
- Yearbook
- Honor Roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling, showing weight and height of team members
- Companies or outside organizations that manufacture class rings or yearbooks
- Newspapers or other news sources
- Class Lists
- Staff and/or Student Directories and/or listings
- School Website
- School Bulletin Boards
- Organizations conducting studies
- Military recruiters requesting directory information
- Institutions of Higher Learning requesting directory information
- Workforce organizations and WIOA Exclusive Partners

These examples are for illustration only and are not an exclusive list of the manner in which directory information may be disclosed. This notice provides you with an opportunity to object in writing to any or all of those types of information that OFY has designated as directory information. You have the right to refuse to permit the release by notifying OFY in writing that you do not want any or all of those types of information to be designated as directory information for your child or yourself.

If you do not want OFY to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must complete the attached "Request for Non-Disclosure of School Directory Information" and return to OFY within sixty (60) days of receipt of this notice. Failure to notify OFY in writing within sixty (60) days will be interpreted by OFY as your permission to release any and all school directory information regarding the student without limitation.

**Options For Youth Public Charter Schools
Family Educational Rights and Privacy Act
Request for Non-Disclosure of School Directory Information**

The Family Educational Rights and Privacy Act ("FERPA") defines "Directory Information" as the information from a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed publicly. By completing this form, you will be requesting that a privacy hold be placed on the directory information from your student's record, and is not to be released by Options For Youth Public Charter Schools ("OFY").

Name of Student: _____ Student's DOB: _____

Use a separate form for each child you are requesting nondisclosure of school directory information. Please return this form to your child's school site.

***Parent/Guardian: Please complete the section below and return the entire form to your child's school.
Please select either 1, 2, or 3 from the list below***

I am requesting that OFY take **one** of the following actions regarding the release of school directory information:

1. _____ Do not release ANY information defined as "directory information" in the Annual FERPA Notice about my child.

OR

2. _____ Do not release the following information defined as "directory information" in the Annual FERPA Notice about my child:

OR

3. _____ Notify me to request my prior written consent before any directory information is disclosed or released about my child.

Signature of Parent/Guardian: _____ Date: _____

Name of Parent/Guardian: _____

Address: _____

Telephone: _____ Email Address: _____

Preferred method of communication: _____ Telephone _____ Email

<i>For Office Use Only: Charter OFY - _____</i>
