

## Family Educational Rights and Privacy Act (FERPA)

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General Statement: It is the policy of the School Board that all School Department personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all Department personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.

Education Record: For the purposes of this policy and in accordance with FERPA, the term “educational record” is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the School Department; or by such other agents as may be acting for the School Department. Such records include, but are not limited to, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche.

Directory Information: For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term “directory information” means:

- Students' name, address, telephone number, date and place of birth, dates of enrollment
- Parents'/guardians' name and address
- Students' grade level, enrollment status and dates of attendance
- Students' photograph
- Students' participation in recognized school activities and sports
- Weight and height of members of athletic teams
- Students' diplomas, certificates, awards and honors received

The School Department may release or disclose student directory information without prior consent of the student's parents/eligible students. Parents will be provided the opportunity to give notice to the School of their refusal to permit the disclosure of any or all directory information items. Written notice from a parent/eligible student that any or all directory information shall not be released will only be valid for that school year and must be re-issued each school year.

Personally Identifiable Information: “Personally identifiable information” is defined as data or information which makes the subject of a record known, including a student's name the student's or student's family's address; the name of the student's parent or other family members; a personal identifier such as a student's Social Security number; the student's date of birth, place of birth, or mother's maiden name; or other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty or information requested by a person who the School Department reasonably believes knows the identity of the student to whom the education record relates.

Annual Notification/Rights of Parents and Eligible Students: At the beginning of each school year the School Department shall provide parents/guardians and eligible students notice of their rights under State and Federal law and this policy regarding the disclosure or student records. Student handbooks sent home will include a notice listing these rights and will include:

1. The rights of parents or eligible students to inspect and review the student's education records;
2. The intent of the School Department to limit the disclosure of information in a student's record, except: (a) by the prior written consent of the parent or eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law;
3. The right of a student's parents or an eligible student to seek to correct parts of the student's educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the School Department decides not to alter them according to the parent's or eligible student's request;
4. The right of any person to file a complaint with the United States Department of Education if the School Department violates FERPA; and
5. The procedure that a student's parents or an eligible student should follow to obtain copies of this policy.

Procedure To Inspect Education Records: Upon written request, parents or eligible students may inspect and review education records which they are entitled. The principal will make the needed arrangements as soon as possible and notify the parent or eligible student of the time and place where the records may be inspected no later than 14 days after the principal's receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites or health, a parent or eligible student cannot personally inspect and review a student's education records, the principal may arrange for the parent or eligible student to obtain copies of the records.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

Procedures To Seek To Correction of Education Records: The Superintendent shall develop procedures for parents of students or eligible students to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights, including an appeal process to the Superintendent of Schools and the School Board. Any change of the school record as a result of request for the change or as a result of the appeals process, the parent of a student or an eligible student and a representative of the School Department shall sign and date when the change.

Disclosure of Student Records and Student Information: In addition to directory information, the School Department may disclose student records and student information without consent to the following parties or under the following conditions.

1. School Officials with a Legitimate Educational Interest. School officials with a legitimate educational interest may access student records. "Legitimate education interest" refers to school officials or employees who need to know information in a student's education record in order to perform the employee's employment responsibilities and duties.
2. Other schools into which a student is transferring or enrolling.
3. Officials for audit or evaluation purposes.
4. Appropriate parties in connection with financial aid.

5. Organizations conducting certain studies for, or on behalf of the School Department. Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction.
6. Accrediting organizations.
7. Judicial orders or lawfully issued subpoenas.
8. Health and safety emergencies.

**Maintenance of Student Records and Data:** The principal of each building is responsible for record maintenance, access and destruction of all student records. All School Department personnel having access to records shall place great emphasis upon privacy rights of students and parents.

The principal will ensure that all records are maintained in accordance with application retention schedules as may be established by law.

**Disclosures Made From Education Records:** The School Department will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request;
2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made and
5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

The School Department will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student, requests for access or access granted to officials of the School Department who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s) or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

**Legal References:**

*RSA 91-A: 5, III, Exemptions, Pupil Records*

*RSA 189:1-e, Directory Information*

*20 U.S.C. §1232g, Family Educational Rights and Privacy Act*

*34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations*

Portsmouth School Board Approved:  
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