
It is the policy of the Board of Control that all employees shall comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) and the Pupil Protection Rights Amendment (PPRA). The Superintendent shall implement procedures whereby every principal is directed to develop a means to notify, on an annual basis, students and parents, including non-English-speaking parents, of their rights under the FERPA and the PPRA, either by letter or through a student handbook distributed to each student in the school.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Confidentiality of student records shall be preserved while access is provided to parents, eligible students (those over eighteen years of age or enrolled in post-secondary educational institutions), school officials with legitimate educational interests, and those federal or state officials whose access is authorized in connection with an audit or evaluation of federal or state supported education programs or for the enforcement or compliance with federal legal requirements related to those programs. Records will be sent to a school where the student seeks or intends to enroll or has already enrolled upon request of the school.

With the exception of directory information as defined below, personally identifiable information will not be released by the school system from an education record without prior written consent of the parent or eligible student, except where authorized by the regulations governing the FERPA. In accordance with the regulations, disclosures will be made to comply with state law, Internal Revenue Service laws and regulations, judicial orders or lawfully issued subpoenas, in which case a reasonable effort will be made to notify parents or students in advance of such disclosures, unless otherwise required by a judicial order or federal grand jury subpoena; to accrediting institutions to carry out their accrediting functions; to organizations conducting studies on behalf of the school system; or in connection with a health or safety emergency.

The Board of Control designates the following information as "directory information." Unless a parent or eligible student makes a timely request to the principal of the school where the student is enrolled that such information not be designated directory information on the individual student, such information will not be considered confidential and may be disclosed upon request.

- a. Student's name, address and telephone number;
- b. Student's date and place of birth;
- c. Student's participation in official school clubs and sports;
- d. Weight and height of student if he/she is a member of an athletic team;
- e. Dates of attendance at schools within the school district;
- f. Honors and awards received during the time enrolled in the district's schools;
- g. Photograph; and
- h. Grade level.

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Procedures for Obtaining Access to Student Records

Any eligible student or any parent whose parental rights have not been specifically revoked by court order, any guardian, or any individual acting as a parent in the absence of a parent or guardian may inspect the education records of his or her child.

Generally, a parent will be permitted to obtain a copy of education records of his child upon reasonable notice and payment of reasonable copying costs.

Each records custodian in the school district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the educational records of a student in accordance with the FERPA regulations.

A parent or eligible student who believes the student's record contains an error may request its correction by submitting a written explanation of the error and the basis for believing it to be in error to the principal or designee, who shall investigate and determine whether or not to amend the record. If the matter cannot be thus resolved, a parent or eligible student may request a hearing pursuant to federal regulations at 34 C.F.R. 99.21-99.22, as well as applicable state regulations. If the hearing results in a determination that the record contained erroneous information, it shall be corrected and the parent or eligible student shall be informed in writing of the correction; if the information contained in the record is determined not to be erroneous, the parent may place a statement in the record commenting upon the contested information and stating the basis for disagreement. The statement shall thereafter be disclosed whenever the portion to which it relates is disclosed.

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

Definition of Terms Used in PPRA:

"Instructional Material" - Instructional material that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as material accessible through the Internet). The term does not include academic tests or academic assessments.

"Invasive Physical Examination" - Any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

"Personal Information" - Individually identifiable information including: (1) a student or parent's first and last name; (2) home address; (3) telephone number; or (4) social security number.

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Requirements:

No student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without prior written consent of the parent or eligible student.

A parent of a student may, upon request, inspect any survey created by a third party containing one or more of the items listed as (1) through (8) above before the survey is administered or distributed by a school to a student and may choose to opt the student out of participation in the survey. The Superintendent shall develop procedures for: (1) granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received, and (2) making arrangements to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the items listed as (1) through (8). The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

A parent of a student may, upon request, inspect any instructional material used as part of the educational curriculum for the student. The Executive Director shall develop procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

Parents shall be notified prior to the administration of physical examinations or screenings that the school may administer to students. This notice shall offer the parent the opportunity to opt the student out of any non-emergency, invasive physical examination or screening that is (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of the student, or of other students.

The parent of a student shall be notified prior to the commencement of activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose). Such notice shall offer the parent the opportunity to inspect, upon request, any instrument

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used in the collection of such information before the instrument is administered or distributed to a student and to opt the student out of such activities. The Executive Director shall develop procedures that: (1) make arrangements to protect student privacy in the event of such collection, disclosure, or use, and (2) grant a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: The State of Georgia has moved the Georgia Code. This new environment no longer allows us to link directly to the Georgia Code. For example enter 20-02-0211 in the search window and the Georgia Code will appear.

State Reference	Description
O.C.G.A 10-12-0012	Retention of electronic records
O.C.G.A 19-07-0005	Reporting child abuse
O.C.G.A 20-02-0133	Free public instruction; exceptions; eligibility; transfer and utilization; funding
O.C.G.A 20-02-0150	Eligibility for enrollment
O.C.G.A 20-02-0160	Determination of enrollment; determination of funding
O.C.G.A 20-02-0320	Information Steering Committee; identification of data to implement QBE Program; state-wide information network
O.C.G.A 20-02-0667	Parental and student review of education record; model policies
O.C.G.A 20-02-0670	Reqts. for transferring students beyond 6th grade
O.C.G.A 20-02-0690	Requirements for private schools and home study programs
O.C.G.A 20-02-0697	Cooperation of principals and teachers with attendance officers and visiting teachers
O.C.G.A 20-02-0720	Inspection of student's records by parents
O.C.G.A 20-02-0757	Applicability of public inspection and open meeting laws
O.C.G.A 20-02-1013	Free textbook system; care and protection of textbooks and materials
O.C.G.A 20-17-0002	Interstate Compact on Educational Opportunity for Military Children
O.C.G.A 24-09-0047	Disclosure of AIDS confidential information
O.C.G.A 31-22-0009.1	HIV tests - Who may perform test
O.C.G.A 40-05-0022	Requirements for licensure; school attendance requirements
O.C.G.A 49-05-0040	Child Abuse and Deprivation Records; definitions, confidentiality of records
O.C.G.A 50-18-0070	Legislative intent; definitions
O.C.G.A 50-18-0071	Right of access; timing; fees; denial of requests; impact of electronic records
O.C.G.A 50-18-0072	When public disclosure is not required
O.C.G.A 50-18-0073	Jurisdiction to enforce article; attorney's fees and litigation expenses; good faith reliance

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O.C.G.A 50-18-0074	Penalty for violations of Open Records Act; prosecution proceedings
O.C.G.A 50-18-0099	Records management programs for local governments
Rule 160-1-3-.03	Infectious Diseases
Rule 160-1-3-.05	Assessment of Costs
Rule 160-4-2-.34	Dual Enrollment - Move On When Ready
Rule 160-4-7-.09	Procedural Safeguards/Parent Rights
Rule 160-4-7-.19	Services for Agency-Placed Students
Rule 160-5-1-.07	Student Data Collection
Rule 160-5-1-.14	Transfer of Student Records

Federal Reference

Description

15 USC 6501	Children's Online Privacy Protection Act - Definitions
15 USC 6502	Children's Online Privacy Protection Act - Collection and use of personal information from and about children on the Internet
15 USC 6503	Children's Online Privacy Protection Act - Safe harbors
20 USC 1232g	Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC 1232h	Protection of Pupil Rights Amendment (PPRA)
20 USC 1412(a)(8)	Confidentiality of IDEA Records
34 CFR 300.618	Amendment of records at parent's request
34 CFR 300.624	Destruction of IDEA information.
34 CFR 99.21	FERPA - Amending education records; right to a hearing
34 CFR 99.7	Contents of annual FERPA notice to parents and eligible students

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