

## **502- D Notification of Rights under FERPA for Students**

I. 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 education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day Sussex Academy receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the Director a written request that identifies the record(s) 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. See Policy 502-B

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

To make such a request, parents or eligible students should submit a request in writing to the Director. The request should clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If Sussex Academy decides not to amend the record as requested by the parent or eligible student, Sussex Academy will notify the parent or eligible student of the decision and advise them 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 consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

and

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

II. Under FERPA, Sussex Academy may disclose information without prior parent or guardian consent to:

- School officials within the Department of Education and Sussex Academy whom the school has determined have legitimate educational interest
- Any entity authorized to receive directory information pursuant to the *No Child Left Behind Act of 2001* (P.L. No. 107-110)

- Officials of another school, school system or institution of post secondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the enrollment or transfer
- Specified officials in connection with an audit or evaluation of Federal or state supported education programs or for the enforcement of or compliance with the legal requirements that relate to those programs for audit or evaluation purposes
- Appropriate parties in connection with financial aid for a student
- Organizations conducting certain studies on behalf of the school
- Accrediting organizations
- Compliance with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local officials and authorities within a juvenile justice system, pursuant to applicable law
- An agency caseworker or other representative of a state or local child welfare agency or tribal organization when such agency or organization is legally responsible for the care and protection of the student
- The Secretary of Agriculture or representatives of the Food and Nutrition Service for purposes of monitoring and evaluating programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966

When used in the list above, the term “school official” refers to:

- 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 School Board;
- a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); and
- 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.

In addition Sussex Academy, will release any and all information necessary to the Delaware Department of Education relating to student information either directory or not, that is necessary to ensure the proper operation of school functions and student safety. Also the school will provide authorized Military Recruiters access to directory information so that student can receive information relevant to future career opportunities.

Date(s) Adopted: 10/19/16	Modified:
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