

**147 Bear Head Canyon Rd. Jemez Pueblo, NM 87024. PH.# 575-834-0447. Fax # 575-834-0449. Wed site:** [**www.walatowahcs.org**](http://www.walatowahcs.org)

**Family Educational Rights and Privacy Act (FERPA)**

**Notification of Parental and Family Rights**

The *Family Educational Rights and Privacy Act (FERPA)*is a Federal privacy law that gives parents/guardians certain rights and protections regarding their child’s education records, such as report cards, transcripts, disciplinary records, contact and family information, and class schedules. Parents/guardians have the right to inspect and review their child’s education records and to request changes under certain circumstances until these rights transfer to the student when they reach 18 years of age. Also under FERPA, a parent/guardian must, in most circumstances, provide a signed and dated written consent before a school discloses personally identifiable information from the student’s education records.

**Process for Reviewing Student Records**

Parents/guardians must submit to the WHCS Executive Director and/or designee a written request that identifies the records that they wish to inspect and review. The WHCS Executive Director and/or designee shall make arrangements for access and notify the parent/guardian of the time and place where the records may be inspected. Parents/guardians generally have a right to education records within ten (10) calendar days of the receipt of their request.

**Process for Amending Student Records**

Parents/guardians may also request that the school district amend a record that they believe is inaccurate or misleading. To request an amendment to student records, parents/guardians must submit a written request to the WHCS Executive Director and/or designee. Written requests should clearly identify the part of the record to be amended and the reason(s) why this part of the record is inaccurate or misleading. If the request to amend is denied, the parent/guardian will be notified by the WHCS Executive Director and/or designee and advised of their right to a hearing to appeal the decision.

**Release of Student Information**

To protect our students’ privacy, the Walatowa High Charter School cannot disclose personally identifiable information about its students without written permission from the parent or guardian. There are, however, exceptions under FERPA in which personally identifiable information may be disclosed without parent/guardian permission. The information must only be used to address the educational needs of the child. Parents/guardians and eligible students have a right to inspect and review the record of disclosures. The 11 exceptions are:

1. Disclosures made to the WHCS Executive Director and/or designee with legitimate educational interests. WHCS Executive Director and/or designee or school official is a person employed by the Walatowa High Charter School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel) or a person serving on the WHCS Governing Board. A school official also may include a person or company with whom the school has outsourced services or functions it would otherwise use its own employees to perform and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records (such as an attorney, auditor, medical consultant, therapist, community-based organization or service agency); a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee; or a parent/guardian, 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 to fulfill his or her professional responsibility.

2. Disclosures to an organization with which the Walatowa High Charter School (WHCS) has entered into an agreement to conduct a study or research on behalf of WHCS for the purpose of improving instruction.

3. Disclosures made to another school at which the student intends to enroll.

4. Disclosures made to state or local education authorities for auditing or evaluating federal (or state) supported education programs or enforcing federal laws that relate to those programs.

5. Disclosures including information the school has designated as “directory information.”

6. Disclosures in connection with the application for or receipt of financial aid.

7. Disclosures made to state and local juvenile justice systems or their officials.

8. Disclosures made to accrediting organizations.

9. Disclosures in compliance with a judicial order or lawfully issued subpoena. Additional notice to the parent/guardian by the educational agency is not required in specified types of judicial proceedings in which a parent/guardian is involved.

10. Disclosures in connection with a health or safety emergency.

11. Disclosures to a caseworker or other representative of a State or local child welfare agency or tribal organization 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.

**Student Directory Information**

FERPA requires that the Walatowa High Charter School, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child’s education records. WHCS may, however, disclose appropriately designated “directory information” without written consent, unless you have advised WHCS to the contrary. The primary purpose of directory information is to allow WHCS to include this type of information from your child’s education records in certain school publications and other school sponsored purposes. Examples include:

* Advertisement, showing your student’s role in a WHCS production;
* The annual yearbook;
* Honor roll or other recognition lists;
* Graduation programs;and
* Athletic Activities.
* WHCS Social Media-WHCS Facebook, WHCS Twitter Account, WHCS Website

Student Directory Information is information contained in a student’s education record that generally would not be considered harmful or an invasion of privacy if disclosed. As allowed by the FERPA law, Providence Schools has identified the following items as directory information:

* Name and address of student
* Student date of birth
* Student grade level, school, and dates of attendance
* Weight and height of members of athletic teams
* School photo
* Participation in officially recognized activities and sports
* Telephone number of student (released to military only)
* Degrees and awards received (honor roll and graduation lists)

FERPA gives parents/guardians the right to have their child’s directory information kept private and not released for school-sponsored purposes, to military recruiters (for 11thand 12thgrade students only), or for any other purpose. By law, military recruiters may request and will be provided three directory information categories for high school juniors and seniors – name, address, and telephone listing – unless parents/guardians have advised WHCS that they do not want their student’s information disclosed without their prior written consent.

**Process for Parents to ‘Opt-Out’ of Releasing Student Directory Information**

Parents/guardians who do not want their child’s directory information released need to complete the Student Directory Information “Do Not Release” form and return the form to the Walatowa High Charter School. WHCS begins releasing Directory Information upon request (and approval by the Office of Research Planning and Accountability) on October 15thof each school year. “Do Not Release” forms should be returned to your child’s school by October 1stto increase the likelihood that your preferences are entered in time. Any “Do Not Release” form received after October 1stof the current school year will take effect once processed and parents/guardians may change their preferences at any time by notifying the WHCS.

Please contact THE WHCS Executive Director and/or designee at 575-834-0447 if you have not received the Student Directory Information “Do Not Release” form.

**FERPA Complaint Process**

Parents/Guardians have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with FERPA requirements. Complaints should be sent to:

*Family Policy Compliance Office*

*US Department of Education*

*400 Maryland Avenue, SW,*

*Washington, DC 20202-5920.*

For more information about FERPA you may also visit their website at: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.