

Annual Notice of Student Education Records and Information Rights

The Family Educational Rights and Privacy Act (“FERPA”) and Maine statutes provide certain rights to parents and eligible students (18 years of age or older) with respect to the student’s education records.

Inspection of Records

Parents/eligible students may inspect and review the student’s education records within 45 days of making a request. Such requests must be submitted to the Superintendent or building administrator in writing and must identify the record(s) to be inspected. The Superintendent or building administrator will notify the parent/eligible student of the time and place where the record(s) may be inspected. Parents/eligible students may obtain copies of education records at a cost of \$.35 per page.

Amendment of Records

Parents/eligible students may ask RSU 40 to amend education records they believe are inaccurate, misleading or in violation of the student’s right to privacy. Such requests must be submitted to the Superintendent or building administrator in writing, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the Superintendent or building administrator decides not to amend the record as requested, the parent/eligible student will be notified of the decision, their right to request a hearing, and information about the hearing procedure.

Disclosure of Records

Whenever RSU 40 requests a student's social security number, RSU 40 must inform the parents/eligible students for what purpose the social security number will be used and provide the parent/eligible student opportunity to opt out of providing the social security number. RSU 40 must delete the student's social security number from the student's records once the student is no longer enrolled in RSU 40.

RSU 40 must obtain a parent/eligible student’s written consent prior to disclosure of personally identifiable information in education records except in circumstances as permitted by law.

A. Directory Information

RSU 40 designates the following student information as directory information that may be made public at its discretion: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received. Parents/eligible students who do not want RSU 40 to disclose directory information must notify the

Superintendent in writing by September 15th or within thirty (30) days of enrollment, whichever is later.

B. Military Recruiters/Institutions of Higher Education

Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and RSU 40 must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent. Parents/eligible students who do not want RSU 40 to disclose this information must notify the Superintendent in writing by September 15th or within thirty (30) days of enrollment, whichever is later.

C. School Officials with Legitimate Educational Interests

Education records may be disclosed to school officials with a "legitimate educational interest." A school official has a legitimate educational interest if he/she needs to review an education record in order to fulfill his/her professional responsibility. School officials include persons employed by RSU 40 as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); members of the Board of Education; persons or companies with whom RSU 40 has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators, or therapists); and parents, students and volunteers serving on an official committee (such as a disciplinary or grievance committee) or assisting a school official in performing his/her professional responsibilities.

D. Other School Units

As required by Maine law, RSU 40 sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).

E. Health and Safety Emergencies

In accordance with federal regulations, RSU 40 may disclose education records without prior written consent in a health and safety emergency to any person whose knowledge or the information is necessary to protect the health or safety of the student or other individuals.

F. Other Entities/Individuals

Education records may be disclosed to other entities and individuals as specifically permitted by law. Parents/eligible students may obtain information about other

exceptions to the written consent requirement by request to the Superintendent or building administrator.

Complaints Regarding School Department Compliance with FERPA

Parents/eligible students who believe that RSU 40 has not complied with the requirements of FERPA have the right to file a complaint with the U.S. Department of Education. The office that administers FERPA is:

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

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R.
Part 99 20 U.S.C. § 7908
20-A M.R.S. §6001, §6001-B, §6001-C
Maine Department of Education Rule Chapters 101 and 125

This is a required policy.

Adopted: December 18, 2014

Reviewed: February 1, 2018
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