



Amended 5/24/2019

Family Education Rights and Privacy Act (FERPA)

Educational agencies and institutions to which the Family Educational Rights and Privacy Act (FERPA) applies must maintain education records consistent with the requirement of FERPA. In brief, FERPA requires those agencies and institutions to provide parents and eligible students access to records directly related to the students; to permit parents and eligible students to challenge those records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights; to obtain the written consent of parents and eligible students before releasing personally identifiable information about the students contained in education records to other than organizations or individuals described in statutory exceptions; and to notify parents and eligible students of these rights.

The "Armed Forces Recruiter Access to Students and Student Recruiting Information" Act requires that schools make student names, addresses, and telephone numbers available to military recruiters and institutions of higher education. **However, students and parents may opt out so that such information is not released without their prior consent.** Consent forms restricting recruiter access to this information are made available to students and their guardians through the guidance office. In the event that consent has not been expressly restricted, the recruiter requested information shall be released.

The Uninterrupted Scholars Act (USA) was signed into law in mid-January by President Barack Obama and became effective immediately. Amendments to the Family Educational Rights and Privacy Act include Additional Exception to Parental Consent Requirements for Students in Foster Care; and Exemption to Notice Requirement When Records Released Under Court Order. These amendments are intended to do the following:

1. Allows schools to release student education records to a caseworker, state or local child welfare representative, or tribal organization that has the right to access the student's case plan when such agency or organization is legally responsible for the care and protection of the student. This is meant to ensure timely access to the student records of those students in foster care and thus prevent the interruption of their education.
2. Create an exemption to the requirement that parents be notified when records are released in conjunction with a court order. An educational agency does not need to notify the parent of the release of records under the court order "when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding."



Amended 5/24/2019

Access to Education Records

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. They are:

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

Parents or eligible students should submit to the headmaster a written request that identifies the record(s) they wish to inspect. The headmaster will arrange for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask Maine Central Institute to amend the record that they believe is inaccurate or misleading. They should write the headmaster, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If Maine Central Institute decides not to amend the record as requested by the parent or eligible student, Maine Central Institute 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 disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception permitting disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by Maine Central Institute as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Trustees; a person or company with whom Maine Central Institute has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or 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.

Upon request, Maine Central Institute discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

Maine Central Institute may make public - at its discretion - personally identifiable information from the education records of a student without parental consent if that information has been designated as directory information by the school. Directory information includes the student's name, address, phone number and parents'/legal guardians' names. The student's participation in officially recognized activities and sports, weight and height of athletes, honors and awards received and other information that would not generally be considered harmful or an invasion of privacy if disclosed.