

STUDENT PRIVACY AND EDUCATION RECORDS

The Livingston Parish School Board acknowledges and affirms that parents, guardians, and students eighteen (18) years of age or older (eligible students) have certain rights under the Family Educational Rights and Privacy Act (FERPA) and Louisiana law with respect to the privacy, inspection, review, and disclosure of personally identifiable information contained in the student's education records.

DEFINITIONS

1. *Disclosure* shall mean to provide or permit access to, or the release, transfer, or other communication of personally identifiable information (PII) contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.
2. *Educational records* shall be defined as records which are directly related to a student and are maintained by the Livingston Parish School Board or school or by a person acting for the Livingston Parish School Board or school. **Excluded** from the term *educational records* are records of instructional, supervisory or administrative personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker of the record; records of a law enforcement unit of the Livingston Parish School Board (if any); records created or received by the Livingston Parish School Board after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and grades on peer-graded papers before they are collected and recorded by a teacher
3. *Eligible Student* means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.
4. *Legitimate educational interest* shall be defined as the interest that requires regular access for purposes of adding material, periodic review, filing new student data and/or removing inadequate, ambiguous, no longer relevant data; the interest having the educational wellbeing of the student in mind for purposes of continuing, improving or changing the education program of the student and the interest in which the person has a legitimate need to know. The Superintendent shall have the authority to determine those individuals who have legitimate educational interests for purposes of this policy, except that any such authorization must be consistent with federal law (FERPA).
5. *Parent or legal guardian* shall mean a student's natural parent, legal guardian, or other person or entity responsible for the student in the absence of a parent or

- legal guardian.
6. *Personally identifiable information* shall be defined as information about an individual that may be used on its own or with other information to identify, contact, or locate a single individual, including but not limited to the following:
 - A. The student's name;
 - B. The name of the student's parent or other family members;
 - C. The address of the student or student's family member;
 - D. A personal identifier that can be used to distinguish or trace an individual's identity such as social security number, date and place of birth, mother's maiden name, or biometric records.
 - E. Any other information that is linked or linkable to a specific student such as medical, educational, financial, and employment information.
 - F. Two (2) or more pieces of information that separately or when linked together can be used to reasonably ascertain the identity of the person.
 7. *School official* shall be defined as a teacher, school principal, School Board member, counselor, attorney, accountant, human resources professional, information systems specialist, support or clerical personnel, school resource officer, authorized volunteer, or any school system employee who is authorized to perform a function or service on behalf of the Livingston Parish School Board. A contractor, consultant, volunteer, or other party to whom a school or institution has outsourced institutional services or functions is also considered a *school official* provided that they are performing an institutional service or function for which the Livingston Parish School Board would otherwise use employees and is under the direct control of the Livingston Parish School Board with respect to the use and maintenance of education records. See 34 CFR §99.31(a)(1)(i)(B).

FERPA PRIVACY RIGHTS

1. The right to inspect and review the student's education records within forty-five (45) days of the day the Livingston Parish School Board receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records 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.

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

Parents or eligible students who wish to ask the school to amend their child's or

their education records should write the school principal [or appropriate school official] indicating their desire, clearly identify the part of the records they believe to be inaccurate or misleading, and specify why it should be amended. If the decision is not to amend the record as requested, the Superintendent, or designee, shall notify the parent or eligible student of the decision and of his/her 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 provide written consent to the disclosure of personally identifiable information (PII) contained within the student's education records, except to the extent that FERPA and Louisiana law authorize the disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Livingston Parish School Board to comply with the requirements of FERPA.

STUDENT IDENTIFICATION NUMBERS

To protect the privacy of its students, the Livingston Parish School Board will utilize and assign to each student in its jurisdiction a unique student identification number in accordance with La. Rev. Stat. Ann. §17:3914(C)(3). The student identification numbers shall not include or be based on social security numbers.

STUDENT INFORMATION DISCLOSURES

1. In accordance with La. Rev. Stat. Ann. §17:3914(H) and FERPA, access to student PII may be authorized by the Superintendent without parent/eligible student consent to *school officials* with legitimate educational interests. Disclosure of personally identifiable information from students' education records is also authorized without consent of the parent or eligible student, if the disclosure meets other conditions set forth below. The Livingston Parish School Board is required to record disclosures of PII, except for disclosures to school officials, disclosures related to judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student. Parents and eligible students have a right to inspect and review the record of disclosures.
2. The Superintendent is authorized to disclose PII from the education records of a student, without obtaining prior written consent of the parents or the eligible student, as follows:
 - A. To other *school officials* whom the school has determined to have legitimate educational interests in accordance with the annual notification of FERPA rights. For contractors, the student PII may be transferred to

computers operated and maintained by the contractor and the contractor shall not allow access to or release student PII to any person or entity except as specified in the contract.

- B. Upon request, to officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer. In accordance with the *Individuals with Disabilities Education Act* (IDEA), if a student with a disability is enrolled, or is going to enroll in a private school that is not located in the geographic jurisdiction of the Livingston Parish School Board of the parent's residence, parental consent must be obtained before any personally identifiable information about the student is released between the Livingston Parish School Board and the private school.
- C. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or the Louisiana Department of Education. Disclosures may be made in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with federal and State legal requirements that relate to those programs. Student information provided to School Board members, the Louisiana Department of Education (LDE), or the Louisiana Board of Elementary and Secondary Education (BESE) shall be identifiable only by a student's identification number and aggregate data and shall be disclosed solely for the purpose of satisfying state and federal reporting requirements. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.
- D. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. Once the parent, guardian, or student of majority age has granted written consent for collection of certain data in accordance with La. Rev. Stat. Ann. §17:3914(K), such data shall be disclosed solely for purposes of processing a student's application to a Louisiana postsecondary education institution or to the Louisiana Office of Student Financial Assistance for receipt of financial aid pursuant to such consent. **Failure to provide such consent may result in delays or prevent successful application for admission to a postsecondary educational institution and state and federal student aid.** Consent provided under La. Rev. Stat. Ann. §17:3914(K) shall continue unless withdrawn in writing. Notice

of a parent's right to withdraw their previously provided consent will be provided annually.

- E. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed as authorized a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
- F. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. In no case shall a contractor be permitted to use student information to conduct predictive modeling for the purpose of limiting the educational opportunities of students.
- G. To accrediting organizations to carry out their accrediting functions.
- H. To parents of an eligible student, if the student is a dependent for IRS tax purposes.
- I. To comply with a judicial order or lawfully issued subpoena, subject to the requirements of federal and State law.
- J. To appropriate officials in connection with a health or safety emergency, subject to the requirements of federal and State law.
- K. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is 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 in foster care placement.
- L. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.
- M. Information provided in accordance with a contract between the School Board and a public or private entity which has been contracted to perform student or education services, but only to the extent provided for in such a contract. Pursuant to La. Rev. Stat. Ann. §17:3913, information concerning the release of PII pursuant to any contract shall be available at the School Board's central office.

- N. Information required to be reported pursuant to Article 609 of the Louisiana Children's Code.

DIRECTORY INFORMATION

Directory information has been designated by the School Board to include the student's name, address, school system e-mail address, telephone number, date and place of birth, grade level, major field of study, participation in officially recognized activities and sports, weight, strength, speed, event performance and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and photograph or video.

Unless directed in writing otherwise by a student's parent, legal guardian or a student who has reached the age of majority, the Livingston Parish School Board approves a person employed in a school or person authorized by the Superintendent to provide access to certain student personally identifiable information to further a legitimate educational purpose, in accordance with FERPA and La. Rev. Stat. Ann. §17:3914 as follows:

1. Information to facilitate a student's participation in a school-sanctioned extracurricular activity, including but not limited to a sport, organization or club;
2. Information to facilitate the operation and daily activities within district facilities, including but not limited to the display and use of student information in and around student facilities;
3. Programs and activities related to school-sanctioned performances or productions, events, award programs, and graduations;
4. University transcript requests, scholarships, and admissions;
5. LHSAA, NCAA, and other related sports programs or sanctioning entities;
6. Online resources and educational tools;
7. School photography and yearbook providers;
8. Any other information considered "Directory Information", to the extent allowed in FERPA.

In addition, two federal laws require School Boards receiving assistance under the *Elementary and Secondary Education Act of 1965*, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and

telephone listings – unless parents have advised the School Board that they do not want their student’s information disclosed without their prior written consent. [Note: These laws are Section 9528 of the ESEA (20 U.S.C. §7908) and 10 U.S.C. §503(c)]. In accordance with the No Child Left Behind Act of 2001, the School Board shall honor the requests of military recruiters for names, addresses and phone numbers of high school students, unless parents have specified that such information not be released to military recruiters. Opt-out procedures will be provided on the LPPS website.

ELECTRONIC DATA GOVERNANCE

Except as provided below, no person or public or private entity shall access a public school computer system on which student information is stored. No official or employee of a public school system shall authorize access to such a computer system to any person or public or private entity except as authorized in this policy.

The following persons may access a public school computer system on which student information for students at a particular school is stored:

1. A student who has reached the age of eighteen or is judicially emancipated or emancipated by marriage and the parent or legal guardian of a student who is under the age of eighteen (18) and not emancipated. For a student who has reached the age of eighteen (18) or is emancipated, such access is limited to information about the student. For the parent or legal guardian of a student who has not reached the age of eighteen and is not emancipated, such access shall be limited to information about the student. A student who has reached the age of eighteen or is emancipated and the parent or legal guardian of a student who has not reached the age of eighteen and is not emancipated may authorize, in writing, another person to access such information.
2. A teacher of record. Such access shall be limited to information about his current students.
3. The school principal and school registrar.
4. A school system employee employed at the school and designated by the principal. Such access shall be limited to student information necessary to perform his/her duties.
5. A person authorized by the Superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.
6. A person authorized by the state to audit student records. La. Rev. Stat. Ann. §17:3914(D)(2).

The following persons may access a computer system of a city, parish, or other local public school system on which student information for students from throughout the system is stored:

1. The Superintendent of the school system.
2. A school system employee designated by the Superintendent. Such access shall be limited to student information necessary to perform his/her duties.
3. A person authorized by the Superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.
4. A person authorized by the state to audit student records. La. Rev. Stat. Ann. §17:3914(D)(3).

Any person who is authorized to access a public school computer system, except a parent or legal guardian, shall maintain the confidentiality of any student information to which he/she has access.

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

The Livingston Parish School Board shall notify and permit parents/guardians/eligible students the opportunity to opt out of participation in student surveys, analyses, or evaluations that concern one or more of the following eight areas ("protected information surveys"): political affiliations or beliefs of the student or student's parent; mental or psychological problems of the student or family; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of others with whom students have close family relationships; legally recognized privileged relationships (such as lawyers, doctors, or ministers); religious practices, affiliations, or beliefs; or income (other than required by law to determine program eligibility). This requirement applies to the collection, disclosure, or use of student information for marketing purposes. Protected information survey opt-out procedures shall be published on the Livingston Parish School Board's website.

CREATION OF PROCEDURES

The Livingston Parish School Board recognizes its responsibility for establishing procedures governing the privacy of student records, consistent with federal and state laws and regulations. The Livingston Parish School Board directs the Superintendent, or designee, to develop and maintain procedures for ensuring and exercising rights provided under this policy. Copies of implementing procedures shall be available at the Livingston Parish School Board's central office and in each school office. Any access or disclosure and release of personally identifiable student information by the School Board and its assigns must be in accordance with federal and state law and regulations and authorized by the Superintendent.

EXEMPTION

This policy shall not apply to the completion or correction of required submissions to the Louisiana Department of Education or response(s) to financial audits commenced prior to the 2015-2016 school year.

REQUIREMENT FOR WRITTEN CONSENT

Written parental/eligible student consent shall be obtained prior to the release of any PII, unless the release of such PII is expressly authorized without written consent by this policy or by law.

Revised: October, 2001

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Revised: February, 2003

Revised: January 21, 2010

Revised: September 5, 2013

Ref: 20 USC §1232(g-i); 34 C.F.R. Part 99 (*Family Educational Rights and Privacy Act*); 20 USC §1400 et seq. (Individuals with Disabilities Education Act); 20 USC §7908 (*Armed Forces Recruiter Access to Student Information*); La. Rev. Stat. Ann. §§9:351, 17:81, 17:112, 17:221.3, 17:3914, 44:4, 44:4.1, 44:31, 44:32; La. Civil Code arts. 131, 134, 250; Louisiana Attorney General Opinion No. 15-0103 Board minutes, 12-18-80, 5-6-82, 1-21-10, 9-5-13, 8-20-15.