

Privacy Rights of Parents and Students

The Mercer Area School District and its employees are required by Federal Law and State and Federal Rules and Regulations to protect the rights of students. The foundation of these rights comes from Federal Legislation entitled the Family Educational Rights and Privacy (FERPA) Act of 1974 (also known as the Buckley Amendments), PPRA (Protection of Pupil Rights Amendment), and HIPPA (Health Insurance Portability and Accountability Act). All students are covered by the State Regulations contained in Chapter 12 known as Students' Rights and Responsibilities. In addition, State Rules and Regulations protect regular and special education students' rights and privacy.

The basic premise of these laws, rules, and regulations is that information about students cannot be disclosed without written parental consent. Education Records, which are maintained by an educational agency, consist of information directly related to a student. Personally identifiable information includes the student's name, the name of the parent or other family members, a personal identified, or a list of personal characteristics that would make the student's identify easily traceable.

Education records and personally identifiable information cannot be disclosed or released without written parent consent or if a student is over 18, without student consent.

There is certain information that can be released without consent, which is called Directory Information. Directory Information is information contained in an Educational record of a student which would not generally be considered harmful or invasive of privacy if disclosed. The Mercer Area School District designates what information is labeled as Directory Information. It shall include the following: the student's name, address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

School records are always open and available to parents, and only school officials who have legitimate "need to know" information about the child. Disclosure of information means to permit access to the release, transfer, or other communication of education records or the personally identifiable information contained in these records, to any party, by any means including oral, written or electronic means. This means that information about a student cannot even be shared in conversation without permission. This also applies to other personnel who do not have an educationally relevant reason to possess knowledge of a student.

Written parental consent is necessary for disclosure of personally identifiable information and education records. If a student is over 18, these records cannot

be released without student consent. The consent must: (1) Specify the records that may be disclosed; (2) State the purpose of the disclosure; (3) Identify the part or class or parties to whom the disclosure may be made. Furthermore, the School District maintains a written record disclosure for parents to inspect in case information has been released. The School District may disclose education records without consent to officials of another School District in which a student seeks or intends to enroll. To comply with No Child Left Behind (NCLB), Section 9528, School Districts may disclose the names, addresses, and telephone numbers of high school students upon request by military recruiters and institutions of higher learning unless individual students or their parents request that the information not be released without prior written consent. Students or parents requesting additional information should contact the Building Principal.

FERPA affords parents and students over 18 years of age the right to request the amendment of the student's education record that the parent or eligible student believes is inaccurate or misleading. Contact the Building Principal for procedure details.

