

# ELKO INSTITUTE FOR ACADEMIC ACHIEVEMENT

## FERPA

1031 Railroad Street, Suite #107

Elko, Nevada 89801

(775) 738-EIAA (3422)

### *EIAA is an Equal Opportunity Provider and Employer*

Dear parents/guardians of Elko Institute of Academic Achievement:

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. These rights are:

1. The right to inspect and review the student's education records within 45 days or the day the school receives a request for access. Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) 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 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 the school to amend a record that they believe is inaccurate or misleading. They should write to the school principal (or appropriate official), clearly identify the part of the record they want changed and specify why it's inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school 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 disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
  - a) One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school 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.
  - b) 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.

c) Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

d) The law permits disclosure without consent of information the school has designated as directory information. Directory information is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. (Directory Information cannot include special education status, student ID number or social security number). The designation of directory information by Elko Institute of Academic Achievement includes, but is not limited to, the following related to its students:

- Name
- address
- Telephone number
- E-mail address
- Date and place of birth
- Enrollment status
- Dates of attendance
- Awards received
- The most recent previous school attended
  - Grade level

e) Parents or eligible students may refuse to let the school designate any or all of those types of information about the student as directory information by notifying the school, in writing, that the parent or eligible student does not want any or all of this information designated as Directory Information. Written notification must be given within ten (10) calendar days from the latter of the following times: The first day of school each year; the enrollment of the student in school; and receipt of this notification. The school only shares directory information for state mandated reporting and 3rd party platforms the school uses such as our data consultants, I-ready, MAPS etc.

1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of **FERPA**. The name and address of the office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-4605

## Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
8. Income, other than as required by law to determine program eligibility.

- Receive notice and an opportunity to opt a student out of –

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

- Inspect, upon request and before administration or use –

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. Elko Institute for Academic Achievement (EIAA) will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. EIAA will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. EIAA will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. EIAA will

make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

**Student Privacy Policy Office U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202**

Please contact your child's school at (775)738-3422 with any questions or concerns.

Sincerely,

Ashley Perkins

Principal