

2024-2025 Mingo County Schools
FERPA – Annual notification to Parents, Guardians, and Eligible Students of Rights
with Respect to Education Records

Distribute this form to parents, guardians, or eligible students by September 3, 2024

Parents and eligible students (that is, students who are 18 years of age or older) have certain rights with respect to their children's (or their own) education records. These rights are guaranteed by laws and regulations including the Family Educational Rights and Privacy Act (FERPA), West Virginia Board of Education (WVBE) Policy 4350¹. Generally, these rights are:

1. The right to inspect and review education records in a reasonable timeframe after a school receives the request.

If parents or eligible students want to inspect their child's or their own education records, they should submit a written request to the school principal or other school official. That written request should identify the specific records they want to see (such as enrollment, attendance, discipline, grades, schedules, and so on). The school official will make appropriate arrangements for access and will notify them about when and where they may view the records. School officials will try to provide electronic access when feasible, making sure that security of the information is high priority. Per WVBE Policy 4350, parents and eligible students must be given access to review the records within 30 days after the school receives the request.

2. The right to request amendments or corrections to education records if a parent (or the eligible student) believes they are inaccurate, misleading, or otherwise in violation of the student's privacy rights.

If parents or eligible students want to request a correction or amendment to an education record, they should write the school principal or other school official in a letter that (1) clearly identifies the part of the record that should be changed, and (2) specifies the reason(s) why it should be changed (including why it is inaccurate or misleading). If school officials decide not to amend the record as requested, the school will notify parents/eligible students of the decision and of their right to a hearing regarding the request. Additional information regarding the hearing procedures will be provided when notification is sent.

3. The right to provide written consent before personally identifiable information (PII) from the student's education records is disclosed to other parties (except to the extent that regulations authorize disclosure without that consent).

In general, parents or eligible students must provide written consent before schools or districts can disclose PII from education records. However, there are some exceptions that allow schools to share education records without this written consent. One such exception is called the "School Officials Exception." Under this exception, schools may disclose PII from education records to school officials with a legitimate educational interest. "Legitimate educational interest" means that the official needs information from education records in order to perform their assigned job or tasks or to carry out the responsibilities for which they have been hired/contracted.

"School Officials" in Mingo County include:

- Staff members employed by the school or school district:
 - District Office Staff
 - Administrators and Teachers
 - Student support personnel (including counselors, school nurses, social workers)
 - Other support staff (including secretaries, bus drivers, aides)
- Contractors or consultants (such as contracted counselors or therapists) who perform institutional services or functions for which the school or district would normally use employees and who are under the direct control of the school/district with respect to accessing, using, and/or maintaining PII from education records

¹ WVBE Policy 4350, 126 CSR 94, *Procedures for the Collection, Maintenance and Disclosure of Student Data*

When students transfer or seek to enroll in other schools or districts, Mingo County Schools will forward or transfer students' education records from this district/school to officials at the new school or institution upon request. These disclosures related to enrollment/transfer will occur when appropriate records requests are made either by the new school/institution or by parents or eligible students.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations and § 126-94-19 of WVBE Policy 4350. Except for specific types of disclosures (such as disclosures of directory information), federal and state regulations require the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

For more information about instances in which disclosures of PII from education records can be made without parental or eligible student consent, please refer to one of the following resources:

- FERPA for Parents: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/parents.html>
- FERPA Regulations: <https://studentprivacy.ed.gov/node/548/>
- WVBE Policy 4350: <http://wvde.state.wv.us/policies/>

4. The right to file a complaint with the U.S. Department of Education (USED) and/or the West Virginia Department of Education (WVDE) if a parent or eligible student believes that a school or district has not complied with the requirements of FERPA and/or WVBE Policy 4350.

Parents or eligible students who believe that their school or district has failed to comply with FERPA and/or WVBE Policy 4350 may file a complaint with the USED Student Privacy Policy Office and/or the WVDE Office of Data Management and Information Systems.

- Privacy Concern Forms and instructions for filing a privacy complaint with the WVDE are available online at <https://wvde.us/data-analysis-research/privacy-and-protection-of-human-subjects/>
Please Note: It may be necessary to right-click to save the complaint form to your local computer. If a parent or eligible student needs a form and cannot access it online, they may call the WVDE at 833-627-2833.
- More information about filing a complaint with the USED (including appropriate forms and contact information) can be found online at <https://studentprivacy.ed.gov/file-a-complaint>

Complaints and concerns can also be mailed to the following addresses:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Ave, SW
Washington, DC 20202-8520

West Virginia Department of Education
ATTN: Student Privacy Concern
1900 Kanawha Blvd. E, Building 6
Charleston, WV 25305-0330