



## **Student Records and Privacy Notice**

### I. Parent and Student Rights under the Family Educational Rights And Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) requires the Bibb County School District (“District”) to maintain student records in a confidential manner. FERPA also affords parents/guardians and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

- a. *Accessing Student Records:* The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access.

Parents/guardians or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The principal will make arrangements for access and notify the parent/guardian or eligible student of the time and place where the records may be inspected.

- b. *Amending Student Records:* The right to request the amendment of the student’s education records that the parent/guardian or eligible student believes are inaccurate or misleading.

Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate or misleading. Written request to appeal an education record should be submitted to the school principal, clearly identify the part of the record to be changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent/guardian or eligible student, the District will notify the parent/guardian 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/guardian or eligible student when notified of the right to a hearing.

- c. *Disclosing Student Records:* 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 as set forth in Section II below.

FERPA defines personally identifiable information to include the student’s name; name of the student’s parent or other family members; personal identifiers (e.g., social

security number, student number); indirect identifiers (e.g., student's date of birth, place of birth); information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; and information requested by a person the District reasonably believes knows the identity of the student to whom the education record relates. See 34 C.F.R. §99.3.

- d. *Implementing Complaint Procedure*: The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue  
SW Washington, DC 20202-5920

## II. Exceptions to the Disclosure of Student Records

FERPA provides several exceptions that will allow the District to release education records and personally identifiable information regarding a student without the consent of the parent/guardian or eligible student. These exceptions are:

- a. *School Official with Legitimate Educational Interests*: A school official is a person employed by the District 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 Education; legal counsel for the District; a school or District approved volunteer; a person, entity or company that is under the direct control of the District with respect to the use and maintenance of education records and with whom the District has contracted or who volunteers or agrees to perform a service or function for which the District would otherwise use employees (such as an attorney, auditor, medical consultant, therapist, insurance adjuster); or a parent/guardian or student serving on an official committee or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. Upon request, the District discloses educational records without consent to officials of another school in which a student seeks or intends to enroll.

- b. *Health and Safety Emergency*: The District may disclose personally identifiable information regarding a student from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In determining what constitutes a health or safety emergency, the District will take into account the totality

of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

- c. *Directory Information:* The District may disclose appropriately designated “directory information” without written consent, unless the parent/guardian or eligible student has advised the District they do not want such information disclosed. See Section II(d) below.

Directory information is information that is generally not considered harmful or an invasion of privacy if released. Directory information includes a student’s name, address, email addresses, phone number, date and place of birth, grade level, work samples (as included on District blogs, websites and/or videos), dates of attendance and schools attended, degrees/ honors/awards received, photograph, participation in school activities and sports, weight and height of members of athletic teams, and student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student’s Social Security Number, in whole or in part, is not considered directory information and cannot be used for this purpose.)

The District may include personally identifiable information in school publications such as a playbill, showing your student’s role in a drama production; the annual yearbook; honor roll or other recognition lists; graduation programs; and sports event publications, such as a football game program. Student work samples may also be included in publications such as those listed above, as well as on District blogs, websites and/or videos. In addition, student work samples may also be displayed as part of public performances including, but not limited to, art shows, curriculum nights, etc.

Directory information may also be released without prior written parental/guardian consent to the following: law enforcement agencies, State and Federal Child Welfare Agencies, Macon Bibb Public Health, Georgia Department of Public Health, Macon Bibb County Public Library System, District Attorney and Solicitor’s Offices, the Georgia Professional Standards Commission, PTA and other school support organizations, U.S. Armed Forces recruitment agencies, other State, Federal, and Local governmental agencies, and schools and colleges accredited by the Southern Association of Colleges and Schools (AdvancEd) for non-political purposes.

District teachers, District schools and the District may also display a student’s name, schools attended, awards received, participation in school activities and sports, as well as weight and height of members of athletic teams on District school, District classroom or District websites, blogs, or social media sites for the purposes of

recognizing student achievement, instructional purposes or informing the community about school events.

- d. *Opting out of Directory Information:* A parent/guardian or eligible student may object to the release of directory information and opt out of disclosing Directory Information. A parent/guardian or eligible student that wants to opt out of disclosing Director Information should notify their school principal in writing by October 4, 2020 or within 10 days of enrollment.
- e. *Video and Audio Recording of Students*

The District also records and maintains audio recordings and video or photographic footage and images (including accompanying audio) of students on school property and at school events in locations including, but not limited to, parking lots, school buses, lunchrooms, classrooms and hallways. Such information is used and maintained for security and other purposes, including yearbooks, video yearbooks, school or District publications, websites, blogs, and social media sites. In many cases, videos contain peripheral video or photographic footage of students engaged in day-to-day activities including, but not limited to, walking to class, riding the school bus, attending to classroom or school activities, eating lunch, participating in club or performance activities, accepting awards and/or engaging in academic activities.

Audio recordings of students may also include day-to-day peripheral recordings of noises or voices related to students, including but not limited to, student voices or noises in hallways, classrooms, at public performances, class presentations and/or during class participation. Peripheral video footage, photographic images, or audio recordings of day-to-day student activities do not include footage of a student or students committing or being involved in a violation of law or District or School Rule, Procedure, or Policy.

The District may also determine that other activities do not qualify as peripheral images, footage, or recordings on a case-by-case basis. Peripheral or day-to-day recordings, images or video footage and images (including accompanying audio) of students may be released without prior written parental/guardian consent, subpoena and court order to only the following: law enforcement agencies, State and Federal Child Welfare Agencies, District Attorney and Solicitor's Offices, the Professional Standards Commission, PTA and other school support organizations, U.S. Armed Forces recruitment agencies, and schools and colleges accredited by the Southern Association of Colleges and Schools (AdvancEd) for non-political purposes. District teachers, District schools and the District may also post these images or recordings on District school, District classroom or District websites or blogs.

A student or the parent/guardian of a student involved in any prohibited conduct under the District's Code of Conduct may review a recording of prohibited conduct, which may contain other students' peripheral video or audio information. This review

may be allowed without obtaining the consent of the peripheral student(s) or his/her parent(s)/guardian(s).

An eligible student or the parent/guardian of a student involved in any prohibited conduct under the District's Code of Conduct will submit a request to review the video or audio information to school administration. School administration will schedule a time and date for the eligible student or the parent/guardian to review the video or audio information.

### III. Student Information and Virtual Instruction

The District made the decision to implement online remote learning through October 30, 2020. The District is taking measures to protect the privacy of the students of the District and balance the needs of the virtual instruction model. The following information is provided to parents and guardians to inform them about student privacy matters associated with a virtual instructional model.

There are the laws and policies that help to protect our students online:

Children's Internet Protection Act (CIPA): The school is required by CIPA to have technology measures and policies in place that protect students from harmful materials including those that are obscene and pornographic. Any harmful content contained within inappropriate sites will be blocked. <http://fcc.gov/cgb/consumerfacts/cipa.html>

Children's Online Privacy Protection Act (COPPA): COPPA applies to commercial companies, not schools, and limits their ability to collect personal information from children under 13 years of age. No personal student information is collected for commercial purposes. <http://www.ftc.gov/privacy/coppafaqs.shtm>

Family Educational Rights and Privacy Act (FERPA): As explained above, FERPA protects the privacy of student education records and gives parents the right to review records. Under FERPA, schools may disclose directory information in certain circumstances.

Bibb County School District Policy JR, School Records; Policy IFBG Internet Accessible Use; Regulation IFBGA-R(1) Electronic Communications; Regulation IFBGA-R(2) Electronic Communications-Employee Use of Social Media; and the Districts Code of Conduct.

The U.S. Department of Education, Student Privacy Policy Office also published guidance on March 30, 2020 stating FERPA does not prohibit a non-student from observing a virtual instructional lesson. The guidance further provides that it is permissible for the District to record classes and share the recording of the virtual classes to students who are unable to attend as long as the video recording does not disclose personally identifiable information (as defined by FERPA) during the virtual classroom lesson. As stated above, the District has outlined the

exceptions to disclosing certain personally identifiable information by designating specific information as Directory Information.

Students are prohibited from downloading and disseminating videos or recordings of virtual classroom lessons and doing so may result in a violation of the Code of Conduct and/or Guidelines for Virtual Instruction including, but not limited to, Bullying and Cyber-bullying.