



# WASHINGTON LATIN FERPA & HIPAA NOTICES

## Family Educational Rights and Privacy Act (FERPA) Notice

### The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Schools must notify parents/guardians and eligible students annually of their rights under FERPA.

**FERPA gives parents/guardians certain rights with respect to their children's education records.** These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students." FERPA ensures parents or eligible students have the following rights:

1. ***The right to inspect and review the student's education records*** within 45 days after the day Washington Latin receives a request for access. Parents or eligible students who wish to inspect their child's or their education records should submit 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. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents/guardians or eligible students to review the records.
2. ***The right to request the amendment of the student's education records*** that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask Washington Latin to amend their child's or their education record should write the Principal, clearly identify the part of the record they want changed, and specify why it should be changed. 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 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. After the hearing, if Latin still decides not to amend the record, the parent/guardian or eligible student has the right to place a written statement with the record setting forth his or her view about the contested information.

3. ***The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records***, except to the extent that FERPA authorizes disclosure without consent. There are several exceptions that allow Washington Latin school officials with legitimate educational interests to disclose student information. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. (See below for more detail on these exceptions.)
  
4. ***The right to file a complaint with the U.S. Department of Education concerning alleged failures by Washington Latin to comply with the requirements of FERPA***. A parent or student (if over the age of 18) may file a [written complaint](#) with the US Department of Education's Student Privacy Policy Office (SPPO) within 180 days of the alleged violation of a school's failure to comply with his or her rights under FERPA. The complaint may be filed on their site, by email or USPS mail at the address below. More information on this process is available on the [US Department of Education's SPPO page](#).

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

### **Permitted Disclosures of Student Information Without Consent**

Schools must have written permission from the parent/guardian or eligible student to release any information from a student's education record. However, FERPA allows Washington Latin to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with a legitimate educational interest
  - “School officials” includes teachers; administrators, board members, and support staff; nurse and health staff; contracted support staff such as counselors, psychologists, tutors, occupational therapists, and any others to whom Latin has outsourced institutional services or functions.
  - “Legitimate educational interest” includes any purpose that is directly related to and necessary in order for that school official to perform his or her professional duties, such as the registrar maintaining or auditing school records, a data analyst reviewing individual student records to compile and analyze group datasets, an advisor or college counselor accessing a student's grades in order to provide him or her with counseling or support, a special educator reviewing student attendance and academic performance in the review or adjustment of the Individual Education Plan, etc.
- Other schools to which a student is transferring
- Specified DC or US government officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid for a student
- Organizations conducting certain studies for or on behalf of the school

- Accrediting organizations
- Law enforcement or court-related officials to comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, under specific State law

Read more about these exceptions in this [US Department of Education overview for parents](#).

## **Directory Information and Parent Right to Opt Out**

Washington Latin may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

However, schools must tell parents/guardians and eligible students about directory information and allow parents/guardians and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

Washington Latin parents have two specific opportunities to opt out of the sharing of this information: during the enrollment/re-enrollment process (it is a required question, and the process will not advance until the parent either opts in or out), and when the family directory information is updated each year (usually in September). In addition, parents may contact the Communications team at the school at any time to request a change in what directory information is shared.

## **The Health Insurance Portability and Accountability Act (HIPAA)**

HIPAA sets standards for protection and sharing of individually identifiable health information, often referred to as protected health information (PHI). It includes the Privacy and Security Rules, and the Transactions and Code Sets. The Privacy Rule establishes guidance on how health care providers must protect patient information and outlines certain patient rights. Generally student health records submitted to the school are considered educational records and thus governed by FERPA. To learn the instances when HIPAA applies to health records for students at Latin, visit the Health Privacy Project <http://www.healthprivacy.org>.