

Hawthorn Academy

Notification of Rights under Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (“FERPA”) affords parents and students 18 years of age or older (“eligible students”) certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Hawthorn Academy (the “School”) receives a request for access. A parent or eligible student should submit to the Campus Principal/Director a written request that identifies the record(s) the parent or eligible student wishes to inspect. The School 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 an amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the Campus Principal/Director, 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, 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 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.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the School in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the School’s board of directors; contractors, consultants, volunteers, and other outside parties to whom the School has outsourced institutional services or functions that the School would otherwise use its own employees to perform and who is under the direct control of the School and subject to the same conditions governing the use and redisclosure of education records that apply to other school officials, such as an attorney, auditor, therapist, medical consultant, or education service provider; or a parent, student, or other School volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the school official needs to review an education record in order to fulfill his or her professional responsibilities for the School.

Upon request, the School may also disclose education records without a parent or eligible student’s prior written consent to officials of another school in which a student seeks or intends to enroll, or is already enrolled, if the disclosure is for purposes of the student’s enrollment or transfer.

Please refer to the list on the following page for a summary of disclosures schools may make without receiving prior written consent from a parent or eligible student.

4. 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

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400 Maryland Avenue, SW
Washington, DC 20202

Disclosures Schools May Make Without Prior Written Consent

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. A school may disclose PII from the education records of a student without obtaining prior written consent from a parent or eligible student as follows:

- To other school officials, including teachers, within the school whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1)-(a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State Education Agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))

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- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))