Annual Notification of Rights under FERPA

Horse Creek Academy

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review education records

The right to inspect and review the student's education records within 45 days after the day Horse Creek Academy receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the Head of School or appropriate school official 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.

2. The right to request amendment of education records

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 Horse Creek Academy to amend their child's or their education record should write the Head of School or appropriate school official, clearly identify the part of the record they want changed, and specify why it should be changed. If Horse Creek Academy decides not to amend the record as requested, 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 when the parent or eligible student is notified of the right to a hearing.

3. The right to consent to disclosures

The right to provide written consent before Horse Creek Academy 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 includes a person employed by Horse Creek Academy as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel), or a person serving on the Horse Creek Academy Board of Directors. A school official also may include a volunteer, contractor, or consultant who, while not employed by Horse Creek Academy, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of Horse Creek Academy with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.

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.

Upon request, Horse Creek Academy discloses education records without consent to officials of another school, school system, or institution of postsecondary education 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.

4. The right to file a complaint

The right to file a complaint with the U.S. Department of Education concerning alleged failures by Horse Creek Academy to comply with the requirements of FERPA. The office that administers FERPA is:

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

Disclosures that may be made without 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. Except for disclosures to school officials, disclosures related to certain judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 generally requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

- To other school officials, including teachers, within Horse Creek Academy whom the school has determined to have legitimate educational interests. This includes qualifying contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education 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 § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or State and local educational authorities, subject to applicable requirements, in connection with an audit or evaluation of Federal- or State-supported education programs or for enforcement of or compliance with Federal legal requirements related to those programs. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, when the information is necessary to determine eligibility, amount, conditions, or enforcement of the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute concerning the juvenile justice system, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, if applicable requirements are met. (§ 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 Horse Creek Academy 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 that agency or organization is legally responsible for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- 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 applicable conditions. (20 U.S.C. § 1232g(b)(1)(K))

Directory Information Notice

FERPA permits a school to designate certain information as directory information and disclose it without prior written consent after providing the notice and opt-out opportunity required by § 99.37. Horse Creek Academy's designation of directory information, the categories of information covered, and the annual procedure and deadline for a parent or eligible student to refuse disclosure should be provided in Horse Creek Academy's directory information notice. This FERPA rights notice does not expand the categories of information designated by Horse Creek Academy as directory

information.

Annual Notice

Horse Creek Academy provides this notification annually to parents and eligible students through a means reasonably likely to inform them of their rights under FERPA. This notice may be made available through the school's website and other school communications.