Family Education Rights & Privacy Act
General Guidance for Parents/Eligible Students
(FERPA)

NOTIFICATION

The Family Education Rights & Privacy Act (FERPA) is a Federal law that applies to educational agencies and institutions that receive funding under a program administered by the U.S. Department of Education. Under FERPA, schools must generally afford parents access to their children’s education records, an opportunity to seek to have the records amended, and some control over the disclosure of information from the records.

Parent and Eligible Students Rights under FERPA

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

(1) The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.

Parents or eligible students should submit to the principal a written request that identifies the record(s) they wish to inspect. The 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 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 the school to amend a 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 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 consent to disclosures of personally identifiable information contained in 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 is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted as its agent to provide a service instead of using its own employees or officials (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance
committee, or 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.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Phillipsburg School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

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

Notice for Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the Phillipsburg School District with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the Phillipsburg School District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want Phillipsburg School District to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by October 1st of each school year. The Phillipsburg School District has designated the following information as directory information:

- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
Protection of Pupils Rights Amendment
General Guidance for Parents/Eligible Students
(PPRA)

NOTIFICATION

PPRA affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding their participation of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent: PPRA requires written consent from parents/legal guardians, pupils who are eighteen years old, or emancipated pupils before minor pupils are required to participate in a survey, analysis, or evaluation funded in whole or in part by a program of the United States Department of Education that concerns one or more of the following nine areas referred to as “protected information surveys”:

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents;
8. Income, other than as required by law to determine program eligibility; or

“Opt a Pupil Out” Notice: The parents and eligible pupils will be provided an opportunity to opt a pupil out of participating in:

1. The collection, disclosure, or use of personal information obtained from pupils for marketing, to sell, or otherwise distribute information to others;
2. The administration of any other “protected information survey” not funded in whole or in part by the United States Department of Education; and
3. Any non-emergency, invasive physical examination required as a condition of attendance, administered by the school district or its agents, and not necessary to protect the immediate health and safety of a pupil, except for hearing, vision, scoliosis screenings, or any physical examination or screening permitted or required under State law.
**Inspection:** The parents and eligible pupils, upon request and before administration or use, have the right to inspect: 1) protected information surveys of pupils; 2) instruments used to collect personal information from pupils for any of the above marketing, sales, or other distribution purposes; and 3) instructional material used as part of the educational curriculum.

The Assistant Superintendent shall be responsible for obtaining the consent, annual direct notification to parents and eligible pupils at the start of each school year and after any substantive changes of the “opt a pupil out” rights, and the inspection rights provisions of PPRA and this Policy. The “opt a pupil out” notice shall include any specific or approximate dates of the activities eligible for a pupil to “opt out.”

**PPRA Consent/Opt Out Violations:**

Parents/eligible students who believe their rights have been violated may file a complaint with the United States Department of Education.

If you have any questions regarding FERPA or PPRA, please contact the school principal.

**Statement of Non-Discrimination**

**NOTIFICATION**

The Phillipsburg School District complies with Title VI of the Civil Rights Act of 1964 Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, and their respective implementing regulations which prohibit discrimination on the basis of race, color, or national origin, sex, disability, and age, respectively. The District provides equal access and opportunity in employment as well as enrollment, in vocational and all other educational programs and activities, regardless of race, color, national origin, sex, disability, or age. Through the designated responsible personnel, the District will guarantee that no persons shall on the basis of sex, race, religion, creed, ancestry, national origin, affectional or sexual orientation, civil union status, social or economic status, and/or handicap be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity. Anyone who feels that his or her rights have been violated may file a grievance with the Phillipsburg School District through the Affirmative Action/Title IX/504 Officer. Board of Education Policies are available in all of the district offices.

**Affirmative Action/Title IX/504 Officer**
Marian Trapani, Ed. D.
Phillipsburg Board of Education Office
445 Marshall Street
Phillipsburg, NJ 08865
908.213.2400
Corporal Punishment

The state of New Jersey has recently approved new legislation which allows a reasonable amount of restraint to be used by a teacher in preventing injury to other students, obtaining dangerous weapons from students, and for self-defense, etc… Corporal punishment is not allowed in the Phillipsburg School District.

Chapter 19: Laws Affecting both Public and Private Schools

18-19 – 1 Corporal Punishment of Pupils

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amount of force as is reasonable and necessary:

1. to quell a disturbance threatening physical injury to others,
2. to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil,
3. for the purpose of self-defense and FOR THE PROTECTION of persons or property and such acts or any of them shall not be construed to constitute corporal punishment within the meaning and intent of this section.

Every resolution by law, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon the pupil attending a school or educational institution shall be void.

As amended L.1964, c.18

TITLE IX, VII, VI, SECTION 504 GRIEVANCE PROCEDURE

PURPOSE

To provide students, employees, and parents with a procedure by which they can seek a remedy for alleged violations related to discrimination on the basis of race, color, creed, religion, sex, ancestry, national origin, social or economic status, or non-applicable handicap.

DEFINITIONS

Grievance – A formal written complaint
Grievant – Any student, employee, or parent aggrieved by a decision or condition falling under the guidelines of federal legislation and/or state anti-discrimination laws.
Grievance Officer – The district employee designated to coordinate compliance efforts with anti-discrimination legislation and charged with the responsibility of investigating complaints.

PROCEDURE

Step #1 The Grievant must present in written form, the complaint to the responsible person designated as the Grievance Officer. (Use Grievance Report, Form A).
Step #2 The Grievance Officer has five (5) working days in which to investigate and respond to the Grievant. (Grievance Officer is to use the space provided on the Grievance Report, Form A).
Step #3 If not satisfied, the Grievant may appeal within ten (10) working days to the Superintendent or his designee (not the Grievance Officer). (Use Appeal Form B).
Step #4  Response by the Superintendent or designee must be given within five (5) working days. (Superintendent to use space provided for on Appeal, Form B).

Step #5  If the Grievant is not satisfied at this level, an appeal may be made within ten (10) working days to the Phillipsburg Board of Education which will hear the complaint at the next regular meeting or within thirty (30) calendar days (use Appeal, Form C). Local Board hearings shall be conducted so as to accord due process to all parties involved in the complaint such as written notice of hearing dates, right to counsel, right to present witnesses, right to cross-examine and to present written statements. The decision of the Board shall be by a majority of the members at a meeting which shall be public.

Step #6  The Phillipsburg Board of Education shall respond to the Grievant within thirty (30) calendar days. (Use space provided for on Appeal, Form C).

Step #7  If the Grievant is not satisfied with the Board’s decision, the Grievant may file the complaint to the Director of the Office for Civil Rights, Washington, DC. The Grievant maintains the right to by-pass the Grievance Procedure and submit the complaint directly to the Office for Civil Rights.

Grievance Forms A, B, and C are available in each of the school offices in the district and from the Affirmative Action Officer/Grievance Officer.