



Annual Notification to Parents and Eligible Students

Confidentiality and Student Records

August 2023

Dear Bismarck Public School Parents and Eligible Students,

Today, I want to be sure you know your rights under two federal laws – the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA). Parents of students, and eligible students (at least 18 years of age) who wish to review any or all of the education records pertaining to the student should submit a written request to the building principal. The records will be reviewed with school personnel, and parents/eligible students may obtain copies of such records.

If parents/eligible students believe all or part of the records are inaccurate, misleading, or otherwise in violation of the student’s privacy rights, he/she may make a written request to the student’s principal to have such records amended. If the principal and parent/eligible student cannot agree about the proposed amendment, the parent/eligible student has the right to request a hearing. For more information about the District’s student records policies and practices, please contact your school principal, and/or review the series of “FGA” policies found under the “School Board” section of the BPS website: <https://www.bismarckschools.org/Page/3598>. Parents/eligible students who believe their rights under the FERPA have been violated may also contact: Student Privacy Policy Office, US Dept. of Education, 400 Maryland Ave SW, Washington, DC 20202-5920.

In most cases, school districts cannot disclose personally identifiable information from students’ education records without the consent of parents/eligible students. However, some of the exceptions are:

1. Personally identifiable information from students’ education records can be disclosed to school officials with a legitimate educational interest. A school official is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities: An individual employed by the District in an administrative, instructional, or support staff position; school board members; contractors, consultants, volunteers, service providers, or other party with whom the school or District has outsourced institutional services or functions for which the school or District would otherwise use employees; records provided to these third parties must remain directly under the District’s control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the district’s attorney(s), PowerSchool, SLDS, learning management software, hot lunch tracking software, Viewpoint, and District alert systems.
2. Upon request, a school may disclose education records, without consent, to officials of other school districts, in which a student seeks or intends to enroll, or has already enrolled if the disclosures are for purposes of the student’s enrollment or transfer. (Upon request, parents/ eligible students may have copies of the records disclosed). To review additional disclosures allowed under the Family Educational Rights and Privacy Act, please see 34 CFR Part 99 or contact your child’s principal.

3. Federal law permits a school district to identify certain information as “Directory Information” which may be *publicly* released unless parents/eligible students inform the District otherwise (**see “A” on page 3**). Bismarck Public Schools identifies this information as the following: name (first and last), address, telephone listing, date and place of birth, participation in officially recognized activities and sports, grade level, photograph, school email address, student identification number (if it cannot be used alone to access an educational record and is not the student’s social security number), weight and height of members of athletic teams, dates of attendance, degrees, honors, and awards received, and most recent school attended.
4. Federal law requires school districts to provide 9th, 10th, 11th, and 12th grade students’ names, addresses and phone numbers to military recruiters upon request unless parents/eligible students inform the District otherwise (**see “B” on page 3**).
5. State law requires school districts to provide 9th, 10th, and 11th grade students’ names, addresses, and phone numbers to the North Dakota University System, which in turn discloses to the state’s colleges and universities (**see “C” on page 3**) unless parents/eligible students inform the District otherwise.

If you do NOT want your child’s information disclosed (**see #3 through #6 above**), please complete the attached form, and return it to your child’s school office by September 8, 2023. If we do not receive the attached form back by this date, we will assume there are no objections to disclosing the information listed above. Again, my best wishes to your family this school year.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Fastnacht", with a long horizontal flourish extending to the right.

Dr. Jeff Fastnacht
Superintendent of Schools

Encl.

BPS Student Information Opt-Out Form

August 2023

Directions: The Bismarck School District may, in some cases, disclose personally identifiable information about students without the consent of parents or eligible students (at least age 18) unless it is informed otherwise. If you do **NOT** want the District to disclose the information noted below, you must print out this form, check the applicable boxes below, and return this form to your child's current school office by **September 8, 2023**.

Please complete one form per child. Thank you!

Option A: Directory Information (This pertains to students in ALL grades)

I do NOT want directory information about my child disclosed. This includes the following: name (first and last), address, telephone listing, date and place of birth, participation in officially recognized activities and sports, grade level, photographs (school pictures or other images taken on school grounds), school email addresses, student identification number (if it cannot be used alone to access an educational record and is not the student's social security number), weight and height of members of athletic teams, dates of attendance, degrees, honors, and awards received, and most recent school attended. *(This means your child's information will **NOT** appear in school building student directories, yearbooks, graduation announcements/programs, social media, etc.)*

Option B: Military Recruiters (This pertains only to students in grades 9, 10, 11, and 12)

I do NOT want my child's name, address and phone number disclosed to military recruiters.

Option C: Colleges and Universities (This pertains only to students in grades 9, 10, and 11)

I do NOT want my child's name, address and phone number disclosed to colleges/universities.

Student Name: _____ School: _____ Gr: _____

Parent/Guardian Name (Please Print): _____

Parent/Guardian Signature: _____ Date: _____