

# CVUSD

## Administrative Regulation

AR 5125.1

### Students

#### Release Of Directory Information

#### Definition

\*\*\*Note: Education Code 49073 mandates that school districts adopt a policy identifying those categories of directory information, as defined in Education Code 49061, which may be released. Directory information is also defined in 34 CFR 99.3, the implementing regulations to the Family Educational Rights and Privacy Act (FERPA).\*\*\*

\*\*\*Note: Pursuant to Education Code 49063, the district must annually notify parents/guardians and eligible students, in writing, of their rights related to student records, including the categories of records considered to be "directory information." See also AR 5125 - Student Records. Therefore, the following paragraph should be modified to reflect those categories of information defined by the district as "directory information"; those items the district does not intend to release as directory information should be deleted.\*\*\*

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (34 CFR 99.3; Education Code 49061)

1. Name
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Date and place of birth
7. Major field of study
8. Participation in officially recognized activities and sports
9. Weight and height of athletic team members
10. Dates of attendance

11. Degrees and awards received
12. Most recent previous school attended

#### Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 34 CFR 99.37)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

\*\*\*Note: The following paragraph applies to districts with secondary school students that receive funds under the Elementary and Secondary Education Act (ESEA). 20 USC 7908 of the No Child Left Behind Act requires those districts to notify parents/guardians that they may request that the district not release their child's name, address and telephone number to military recruiters, employers, or colleges without their prior written consent. According to Guidance issued by the U.S. Department of Education, a single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/guardians of the above information is sufficient. The law does not specify whether parents/guardians may request that the district not release their child's information to certain third parties, such as military recruiters, but authorize the release to others parties, such as private employers. Districts should consult legal counsel as appropriate.\*\*\*

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

#### Parent/Guardian Consent

\*\*\*Note: Education Code 49073 specifies that parents/guardians may request that their child's directory information not be released (an "opt-out" process). According to a letter from the U.S. Department of Education to California's Superintendent of Public Instruction, it is a "misapplication" of 20 USC 7908 for a district to establish an "opt-in" procedure specifically for military recruiters whereby a district would not provide information to military recruiters unless a parent/guardian has provided affirmative consent. According to the letter, a district that establishes an "opt-in" procedure for military recruiters would risk having its federal ESEA funds withheld.\*\*\*

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g; 20 USC 7908)

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