

Baldwin County Board of Education's Designation of School Official and Legitimate Educational Interest

The Baldwin County Board of Education ("Board"), as required by the Family Educational Rights and Privacy Act, ("FERPA"), 20 U.S.C.A. section 1232g, and the implementing regulations, hereby provides notice that the following individuals meet the definition of a "School official":

- a board member
- a person employed by the agency or school in an administrative, counseling, supervisory, academic, student support services, or research position, or a support person to these positions (including health or medical staff and law enforcement unit personnel); or
- a contractor, consultant, volunteer, or other party to whom the school has outsourced institutional services or functions if the outside party (1) performs an institutional service or function for which the agency or institution would otherwise use employees; (2) is under the direct control of the school with respect to the use and maintenance of education records; and (3) is subject to the requirements of 34 C.F.R. § 99.33(a) governing the use and disclosure of PII from education records.

Identifying a person or company as a "school official" does not automatically grant him or her unlimited access to education records. In order for a school official to obtain access to student data they will need "a legitimate educational interest." What constitutes a legitimate educational interest includes the following:

- The information requested is necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement.
- The information is to be used within the context of official agency or school business and not for purposes extraneous to the official's areas of responsibility or to the agency or school.
- The information is relevant to the accomplishment of some task or to a determination about the student.
- The information is to be used consistently with the purposes for which the data are maintained.

Having access to education records or the information within the records does not constitute authority to share this information with anyone not given access through the written policy. This is particularly critical if the data is to be used away from the agency or school by contractors or consultants.

The Superintendent and or the Dean of Academics (or delegate) decides the legitimacy of each request for information. If there is any doubt or question regarding the request or the legitimate educational interest, staff members or teachers should not disclose the information without the approval or concurrence of the appropriate department or school officials or written permission from the student or parent.