

## LEARNER DIRECTORY INFORMATION NOTICE

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the 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 designated "directory information" without written consent, unless you have informed the district that prior written consent is required before disclosing the directory information. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school publications.

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, guardian's or eligible learner's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, federal and state laws require the district to provide military recruiters and institutions of higher education, upon request, with the names, addresses and telephone listings of the learner, and to provide the executive director of the SD Board of Regents and each technical college located in the state with the names and mailing addresses, the names, addresses, and telephone numbers of the learners in grades 7-12. This information will be provided unless parents or guardians have completed Form JOA-E(1) which advises the district that they do not want their student's information disclosed without their prior written consent.

If you do not want the school district to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing within thirty (30) days of the beginning of the school year or, if enrolling after the beginning of the school year, within thirty (30) days of enrollment. The district has designated the following information as directory information: [Note: a district may, but does not have to, include all the information listed below.]

1. Student's name;
2. Address;
3. Telephone listing number;
4. Email address;
5. Name(s) of Parents/Guardians;
6. Photograph;
7. Date and place of birth;
8. Dates of attendance;
9. Grade level;
10. Participation (including video) in officially recognized activities and sports;
11. Weight and height of members of athletic teams.
12. Degrees, honors, and awards received;
13. The most recent educational agency or institution attended;

### Legal References:

[ARSD 24:43:09:02](#) (Student records)

[SDGL 13-3-51](#) (Data reporting and record systems)

[SDGL 13-3-51.1](#) (Definitions regarding privacy of records)

[SDGL 13-3-51.2](#) (Information not subject to survey, analysis, or evaluation without consent)

[SDGL 13-3-51.3](#) (Prohibition against reporting personally identifiable information)

[SDGL 13-3-51.4](#) (Department to develop security measures to protect personally identifiable information)

[SDCL 13-3-51.5](#) (Disclosure of aggregate data otherwise allowed)  
[SDCL 13-3-51.6](#) (Disclosure of aggregate data necessary for impact aid)  
[SDCL 13-28-50](#) (School districts to provide student mailing list to BOR and Technical Colleges)  
[CFR Title 34 Part 99](#) (Family Educational Rights and Privacy ACT (FERPA))  
[Public Law 103-382](#) (Improving America's Schools Act of 1994)  
[USC Title 10 §503](#) (Enlistments: Recruiting campaigns; compilation of directory information)  
[CFR USC Title 20 §1232g](#) (Family Educational Rights and Privacy ACT (FERPA))  
[USC Title 20 §7908](#) (Armed forces recruiter access to students information)

**Cross References:**

**KBAA - Public Records**

<b>1st Reading:</b>	<b>08/12/2013</b>
<b>2nd Reading:</b>	<b>09/16/2013</b>
<b>Final/Adopted:</b>	<b>10/15/2013</b>
<b>Notification:</b>	<b>11/08/2022</b>
<b>1st Reading:</b>	<b>01/10/2023</b>
<b>2nd Reading/Approval:</b>	<b>02/13/2023</b>
<b>Notification:</b>	<b>10/15/2024</b>
<b>1st Reading:</b>	<b>11/12/2024</b>