

## Rhithm, Inc FERPA (The Family Educational Rights and Privacy Act) Policy

The Family Educational Rights and Privacy Act of 1974 sets forth requirements regarding the privacy of student records. FERPA governs (1) release of these records (known as education records) maintained by a school or by a third party on behalf of a school and (2) access to these records.

### **What is an Educational Record?**

Education records are any records directly related to a student and maintained by a school or by a party acting for the school. Education records include demographics, personal information, class assignments, attendance, grades, test scores, placement scores, discipline records, special services, Financial Aid, etc.

### **What is NOT considered an Educational Record?**

- Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute.
- Records maintained by a law enforcement unit of an educational agency created by that law enforcement unit for the purpose of law enforcement and not shared with others.
- Records relating to individuals who are employed by the school, which are made and maintained in the normal course of business, related exclusively to individuals in their capacity as employees and not available for any other purpose (Records of individuals in attendance at ARE EDUCATIONAL RECORDS).
- Records relating to a student which are 1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional capacity or assisting in a paraprofessional capacity; 2) used solely in connection with the provision of treatment to the student; and 3) not disclosed to anyone other than individuals providing such treatment so long as the records can be personally reviewed by a physician or other appropriate professional of the student's choice.
- Records of a school which contain only information relating to a person after that person is no longer a student at the school (information gathered about alumni) unless they refer to the period of time when the individual was a student.

### **What Rights Does FERPA Give a Parent (or Student if over the age of 18)?**

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

If a Parent wants to inspect or review an education record held by Rhithm, Inc (Rhithm) the Parent should contact the appropriate FERPA officer at the applicable school. The

school is then responsible for contacting Rhithm to request access to the record. Requests for records can be made by email to [support@rhithm.app](mailto:support@rhithm.app) or by phone to 940-268-1029. The school must contact Rhithm within 15 days of any Parent request to ensure that the record can be inspected within 45 days of the request.

2. The right to request the amendment of an education records if the parent (or student) believes them to be inaccurate.

Parents (or students) may ask a school to amend a record that they believe is inaccurate. They should contact the appropriate FERPA officer at the applicable school, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the record is held by Rhithm, we will rely on the school to assess whether to make the requested amendment. If the school decides not to amend the record as requested by the parent, the school is responsible for notifying the parent of the decision and advising the parent of his or her right to a hearing regarding the request for amendment (such hearing to be administered by the school).

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.

Instances where a school (and potentially Rhithm) may disclose personally identifiable information from education records without a parent's (or student's) prior written consent include (but are not limited to) the following:

- a. Directory Information unless the parent has opted out of such disclosure pursuant to the school's Directory Information Policy.
- b. To school officials with a legitimate educational interest in the record. This may include school employees (academic, administrative, and support) and Rhithm employees who have a legitimate educational interest in the record. It may also include other third persons or entities with which the school or Rhithm has contracted (including auditors, attorneys, and vendors). A school official (or a third party) has a legitimate educational interest in a record if he or she reasonably needs access to the record as part of his or her job or contractual duties.
- c. To officials of postsecondary institutions in which a student seeks or intends to enroll, upon request of officials at that other institution.
- d. To a parent or guardian if the student is claimed as a dependent under the Internal Revenue Code.
- e. To any individual if the school or Rhithm determines in its discretion that the disclosure is necessary to protect the health or safety of the student or others.
- f. In response to a lawfully issued subpoena or court order.

- g. To certain federal and state governmental agencies (including the U.S. Department of Education or Department of Justice)
- h. In connection with financial aid for which the student has applied or received if necessary, to determine eligibility for or the amount of aid or to enforce terms or conditions associated with that aid.

**Please note that Rhithm’s contractual obligations may limit its ability to disclose information from education records to third parties (or limit the third parties to which Rhithm may make such disclosures) that exceed the limits established by FERPA. No Rhithm employee should make any disclosure of personally identifiable information from an education record unless they have received written approval from their supervisor and received confirmation that such disclosure is permitted, even if the disclosure falls into one of the categories above.**

- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

### **Confidentiality**

Rhithm employees must protect the privacy of student educational records and shall not disclose personally identifiable information about a student or permit inspection of the student’s records without a parent’s (or, if applicable, the student’s) written consent unless such action is permitted by FERPA (and otherwise complies with all Rhithm policies and procedures).

### **Directory Information**

Each school may establish its own Directory Information Policy and is permitted to disclose such directory information unless the parent requests in writing that such information not be disclosed. Rhithm employees should not disclose directory information to any third party (unless otherwise compliant with FERPA). The items listed below are commonly designated as directory information:

- Student’s name
- Student’s address
- Parents’ or guardians’ name(s)
- Student’s phone number
- Student’s home town
- Dates of attendance
- Academic class
- Photographs
- Email address (of student or parent/guardian)
- Previous schools attended
- Major field of study
- Awards - Honors
- Degree(s) conferred
- Past and present participation in officially recognized activities and sports