
STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education records. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with the most recent Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The District will document requests for and release of records, and retain documentation in accordance with law. In addition, the District will execute agreements with third party contractors/consultants who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors/consultants comply with Education Law §§2-c and 2-d in using appropriate means to safeguard the data. A third party contractor/consultant is any person or entity, other than an educational agency pursuant to a contract or other written agreement for purpose of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

The Superintendent of Schools shall be responsible for ensuring that all applicable laws and regulations are carried out by the District.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A Parents' Bill of Rights for Data Privacy and Security ("Bill of Rights") will be posted on the District website and included in any agreements with third party contractors/consultants. This notice and Bill of Rights may be published in a newspaper, handbook or other school bulletin or publication. This notice and Bill of Rights will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice and Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. Inspect and review the student's education records;

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2. Request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. File a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the District and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

In addition, the annual notice and Parents' Bill of Rights will inform parents/guardians and eligible students:

1. That it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. For purposes of this policy, a school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel; a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, district's insurance company, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official performing his or her tasks. A school official has a legitimate educational interest if the official needs to review a student record in order to fulfill her or her professional responsibilities.
2. That, upon written request on district letterhead, the district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll or is actually enrolled.
3. That personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. That the district, at its discretion, releases directory information without prior consent, unless the parent/guardian or eligible student has exercised their right to opt out of the release of the information without prior written consent. The District will not sell directory information.
5. That, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or

high school student exercises their right to opt out of release of the information without prior written consent.

6. Of the procedure for exercising the right to inspect, review and request amendment of student records.
7. That the District will provide information as a supplement to the Parents' Bill of Rights about third parties with which the District contracts that use or have access to personally identifiable student data.

The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation.

The district will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication.

Directory Information and Limited Directory Information

Directory information is neutral or positive information about a student. Limited directory information means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The Board designates the following information as "limited directory information": a student's name, address, participation in school activities or sports, and awards received. The District may disclose such information to school-related organizations, such as the PTA/PTO, education foundations, College in High School Fund, and booster clubs, State legislators, local municipalities and the news media.

Social security numbers or other personally identifiable information will not be considered directory information.

Where a parent/guardian/eligible student opts out of having directory information shared, the student shall still be required to wear, display or disclose their student ID cards.

Once the proper FERPA notification is given by the district, a parent/guardian or eligible student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release of such information only to military recruiters and institutions of higher education. Once the student or parent/guardian provides the opt-out, it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to combine both the annual notice of rights under FERPA and the annual notice of "directory information" designations into one notice.

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Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and
Article 89

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC 7908
Education Law §§ 2-c, 2-d, 225
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by
School Districts and BOCES

Adoption date: July 2003
Revised/Adopted: 1/22/2014
Revised/Adopted: 11/18/15