

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 student's education record. The procedures for ensuring these rights will be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

FERPA affords parents and students over 18 years of age certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of a request for access. This includes all official records, files and data that are incorporated into the student's cumulative record.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.
3. The right to consent to disclosures of personally identifiable information contained in the student's educational records except to the extent that FERPA allows.
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.

In the case of divorced or separated parents, the parent with custody of the student will receive the official school report card. The building principal may release information on student progress to the other parent upon request and determination of legality.

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 the release of, students educational records, and retain such documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the District will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the District's records, including but not limited to student records, in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) as adopted by the Board.

The Superintendent of Schools is responsible for ensuring that all requirements under law and the Commissioner's 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 students currently in attendance of their rights regarding education records under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents'

Bill of Rights for Data Privacy and Security' will be posted on the District website and included in any agreements with third-party contractors. The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and students who enroll during the school year.

The notice and Parents' 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 record;
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.

The annual notice and Parents' Bill of Rights will inform parents/guardians and students:

1. 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. The notice will define 'school official' and 'legitimate educational interest'.
2. Upon request, the District will disclose student education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. A student's personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. The District, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent.
5. The District will not sell directory information.
6. 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 secondary school student exercises their right to prohibit release of the information without prior written consent.
7. The procedure for exercising the right to inspect, review and request amendment of student records.
8. 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. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 3265-R.

The District will effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number six (6) above.

### **Directory Information**

The District has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include a student's

1. Name;
2. ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student's identity);
3. Address (except information about a homeless student's living situation, as described below);
4. Telephone number;
5. Date and place of birth;
6. Major course of study;
7. Participation in school activities or sports;
8. Weight and height if a member of an athletic team;
9. Dates of attendance;
10. Degrees and awards received;
11. Most recent school attended;
12. Grade level;
13. Photograph;
14. Video of participation in school programs, such as (athletics and performing arts);
15. E-mail address; and
16. Enrollment status.

Information about a homeless student's living situation will be treated as a student educational record, and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student's address information in the same way they would for other student educational records. The District's McKinney-Vento liaison will take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities and other beneficial activities.

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

The District will publish an annual public notice informing parents or eligible students (students age 18 or older) of their right to refuse, or to opt out of, the release of student “directory information” (defined below) and indicate a time period to exercise this right. Following such public notice and a reasonable response period, the District may release such information to the public without individual consent. Such disclosures of directory information may include, but are not limited to, placing the information in school newsletters, school yearbooks, school-sponsored websites, and school sports programs.

Students who opt out of having directory information shared are still required to possess their student ID cards.

Once the proper FERPA notification is given by the District, a parent/guardian or 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 student for the release. 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 provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

### **Regulations Relating to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99

No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)

10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002

Education Law §§ 2-a; 2-b; 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 Part 121 (Data Privacy)

8 NYCRR §185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

“Guidance for Reasonable Methods and Written Agreements,”

[http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd\\_agreement.pdf](http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf)

Parents’ Bill of Rights for Data Privacy and Security, July 29, 2014:

<http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office/Student Privacy Policy Office website:

<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

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