HEWLETT-WOODMERE PUBLIC SCHOOLS **Policy 5500**

(X) Required
( ) Local
( ) Notice

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/persons in parental relations 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 record. 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.

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 the documentation in accordance with law.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

(a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute;
(b) records of the district's law enforcement unit;
(c) records of treatment created or maintained by a physician, psychiatrist, psychologist or other professional/paraprofessional acting that capacity.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents/persons in parental relations name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is 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 attorney, auditor, medical consultant or therapist); or a parent/person in parental relations or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents/persons in parental relations and students currently in attendance of their rights under FERPA and the procedures for exercising those rights. The notice may be published in a newspaper, handbook or other school bulletin or publication. The notice will also be provided to parents/persons in parental relations and students who enroll during the school year.

The notice will include a statement that the parent/person in parental relation or eligible student has a right to:

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

The annual notice will inform parents/persons in parental relations 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.
2. that, upon request, the district will disclose 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. 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 (see definition below) without prior consent, unless the parent/person in parental relations or eligible student has exercised their right to prohibit release of the information without prior written consent.
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/person in parental relations or secondary school student exercises their right to prohibit 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.

The district will provide translations of this notice, where necessary and to the extent practicable, to parents/persons in parental relations and students in their native language or dominant mode of communication.

In the absence of the parent/person in parental relations 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 five (5) 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**:**

- Name
- Participation in school activities or sports
- Dates of attendance
- Degrees and awards received
- Photograph

Under no circumstances will social security numbers or other personally identifiable information be considered directory information.

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

Once the proper FERPA notification is given by the district, a parent/person in parental relations 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/person in parental relations or student for the release. Once the student or parent/person in parental relations 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.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
5550, Student Privacy

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 §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: December 21, 2016
Amended date: May 17, 2023

STUDENT RECORDS REGULATION

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1: Pursuant to the Family Educational Rights and Privacy Act (FERPA) it shall be the policy of this school district to permit parents/persons in parental relations and eligible students to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA transfer from the parents/persons in parental relations to the student once the student attains eligible student status. However, districts can disclose information to parents/persons in parental relations of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Section 2: Parents/persons in parental relations or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records on the grounds that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3: A notice shall be sent annually to parents/persons in parental relations of students currently in attendance and students currently in attendance informing them of their rights pursuant to FERPA. The district shall provide translations of this notice where necessary and to the extent practicable, to parents/persons in parental relations and students in their native language or dominant mode of communication.

Section 4: To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

1. A parent/person in parental relations or an eligible student who wishes to inspect and review student records shall make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/person in parental relations or

eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.

2. A parent/person in parental relations or an eligible student who wishes to amend the contents of the student's school records shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their request to amend the record.
3. Within a reasonable time, upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she:
    a. will amend the record; or
    b. finds no basis for amending the record in question, but that the parent/person in parental relations or eligible student will be given an opportunity for a hearing.
4. The hearing shall be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
5. The parent/person in parental relations or eligible student shall be given a full and fair opportunity to present evidence at the hearing. The parent/person in parental relations or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
6. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing. The determination will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, the U.S. Attorney General, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop, validate or administer predictive tests, administer student aid, or improve instruction.

7. To accrediting organizations to carry out their accrediting functions.
8. To parents/persons in parental relations of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/person in parental relations or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena.
10. In connection with a health or safety emergency in accordance with law.
11. To provide information that the district has designated as "directory information."
12. To a court, when the district is involved in legal action against a parent/person in parental relations or student, those records necessary to proceed with the legal action.

Section 5: The district will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district uses an array of methods to protect records, including physical controls (such as locked cabinets), technological controls, such as role-based access controls for electronic records), and administrative procedures. The district will document requests for and release of records, and retain the documentation in accordance with law.

Section 6: Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/person in parental relations or eligible student must file a written consent to such action. The written consent must specify the records to be disclosed, the reasons for such disclosure, and to whom. If the parent/person in parental relations or eligible student so requests, the district will provide him or her with a copy of the records disclosed. In addition, if the parent/person in parental relations of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. The district will adhere to the schedule and all other relevant laws in retaining and disposing of student records.

Adoption date: December 21, 2016
Amended date: May 17, 2023

Hewlett-Woodmere Public Schools

Name and Gender Change Request Form

School: _____ Student (Birth Name):_____

Date: _____ Grade: __ __ __ __

This form must be submitted by a parent to change a student's name and/or gender in the student's District records (i.e., attendance records, report cards, transcripts, IEP's, etc.) when there is no documentation of a legal name change and/or government ID indicating the updated gender. The term "parent," means the student's parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student if they are an emancipated minor or **18** years of age.

Updated Name: _____ Updated Gender: _____

By signing below, the parent and student understand that:

- Updating a name and/or gender in the referenced District records is not a legal name change.
- A student's permanent records may be used in connection with obtaining services and benefits outside of the District, such as Free Application for Federal Student Aid ("FAFSA") on the federal level. A student's legal name may be required to be used in connection with receipt of these benefits and services. In the event that this happens, you can obtain a letter from the District to assist.
- The name that appears on the updated District records will be different from the legal name that may be required to apply for benefits and services outside of the District, and this mismatch may create delays or issues.
- All previous records generated by the District prior to the date of this change will reflect the student's previous name and/or gender.
- The student's legal name and/or previously designated gender will be archived in the District's systems to enable records to be cross-referenced, while maintaining confidentiality.

By signing this form, we acknowledge that we have considered this information.

_____ _____
PARENT SIGNATURE DATE

_____ _____
STUDENT SIGNATURE DATE

_____ _____
PARENT SIGNATURE DATE