

Regulation 7240R

Students

STUDENT RECORDS: ACCESS AND CHALLENGE

The Superintendent will designate the person who is responsible for the collection, maintenance, accessibility, transfer and retention of student information on a District-wide basis. Building principals are responsible for the implementation of this regulation within their respective building(s).

Maintenance of Student Records

Student records will be stored in a secure manner by personnel in a location designated by the building principal or other responsible administrator.

Reports from psychologists, social workers, special education teachers, school health personnel, community agencies, mental and physical health clinics and practitioners, while part of the cumulative folder, will be filed separately.

Student records in unattended work areas are to be filed in a locked facility.

Records of Student with Disabilities

A record access log must be maintained in every storage cabinet containing records of students with disabilities. Entries are to be made when these records are removed from the proximity of the records storage cabinet or if the person reviewing the records is not a member of the school staff.

Authorized Access to Student Records

Parent/Guardian or Eligible Students (18 or over or attending a post-secondary institution)

Parents or persons in parental relationship have the legal rights to inspect *all* records of their children and should be so informed.

In cases of divorce or separation, information from school records must be available to the parent having custody, and must be made available to non-custodial parents upon request, unless there is a court order to the contrary.

Professional interpretation by a qualified staff member should accompany parental inspection of records. The material which is open to parental inspection must include everything in the child's cumulative record, including reports from psychologists, social workers, special education teachers, school health personnel, community agencies, mental and physical health clinics and practitioners which may be filed separately.

When a student turns eighteen (18) years of age or older, the District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

Persons with Parental Permission

Persons who have secured written permission to inspect and receive copies of a student's record have the same rights as parents.

School Staff

Members of the school staff, as determined by the building principal or other administrators, may consult relevant student records of those students with whom they are working and for purposes directly related to educational needs, plans, or placement.

Office Personnel

Office personnel assigned clerical responsibilities in connection with student records will have access to such records as is necessary to carry out their responsibilities.

Transfer of Student Records

Prior to any transfer of records, the building principal or his/her designee is responsible for searching the cumulative file and authorizing transfer of only those records and materials identified in policy 7240.

Transfer of Records Among District Schools

Original student records may be transferred among public schools in the West Irondequoit District. Lists of destination of student records will be maintained by the forwarding school.

Release of Information to another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records. The District's annual FERPA notification will indicate that such disclosures may be made. In general, however, the District will seek consent from parents or eligible students prior to transferring records, and will not include the student's disciplinary records in the material transferred except upon parent request or when, for reasonable cause, circumstances warrant.

Exceptions

Pursuant to FERPA, the District may release personally identifiable information (PII) from a student's educational records without consent as indicated in the following sections.

Directory Information

The District may release Directory Information as specified in Policy 7241.

Health and Safety Emergency

The District must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if the

District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. The District may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials, and medical personnel. The District's determination that there is an articulable and significant threat to the health or safety of a student or other individuals will be based upon a totality of the circumstances, including the information available, at the time the determination is made. In compliance with FERPA, the District will record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

Court-ordered subpoena

Subpoenas of student records should be served to the Superintendent, who will consult with the School District Attorney to determine what records will be forwarded to the legal agency issuing the subpoena and whether or not parents should be notified of the subpoena. Building administrators or other personnel should not receive or accept subpoenas on behalf of the District. Persons attempting to serve a subpoena should be referred to the Superintendent's secretary in the Administration Building.

Further Exceptions

FERPA allows other exceptions to the requirement that parental or eligible student written permission must be obtained prior to releasing personally identifiable student records. These exceptions apply only to agencies or under circumstances specified in law. In some cases, the District must secure written agreements assuring that information it releases will not be redisclosed. Other conditions may apply depending on specific cases and specific situations.

Prior to the release of student information under any authorized exceptions, the Superintendent will be informed and, where needed, will seek legal guidance with respect to any conditions and any specific District responsibilities that apply to the exception.

Authorized exceptions include, but are not limited to the following:

- Audit/Evaluation Exception (Requires written agreement)
- Studies Exception (Requires written agreement)
- Foster Care Agencies Exception
- Juvenile Justice System Exception
- Financial Aid Purposes Exception
- Accrediting Organization Exception

Hearing to Challenge the Content of the Record

Parents or persons in parental relationship, or eligible students will have an opportunity to challenge the content of their child's or their own school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and

to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

The initial challenge to the content of student records should be made to the principal of the school. If the challenge is not satisfactorily resolved, the parents or student should petition the Superintendent's designee for a hearing. The petition should indicate the name, address, age, and school of the student, the specific record or records to be challenged, and the reasons for the challenge. The petition should include documentary evidence, if any, in support of such petition.

Within ten (10) days of the receipt of such petition, the parent or student will be notified of the time and place of the hearing to review such petition.

The hearing will be held before the Superintendent's designee. The parent or student will have the right of representation by counsel with the right to present witnesses and other evidence in support of his/her position. A record of the hearing will be maintained, but no stenographic transcript will be required, and a tape recording will be deemed a satisfactory record.

Decision After Hearing

The Superintendent's designee, at the conclusion of the hearing, may determine that the records complained of, or portions thereof, will be removed from the student's records, or that the records will be corrected, or that a statement submitted by the student or parent will be placed in the student's records as rebuttal. The Superintendent's designee may reject the petition. Such determination will be in writing.

Decision to amend

If, as a result of the hearing, the Superintendent's designee decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the District will amend the education records accordingly and so inform the parent or student in writing.

Decision not to amend

If, as a result of the hearing, the Superintendent's designee decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the District will inform the parent or student of his/her right to place in the education record of the student a statement which sets forth the written comments of the parent or student regarding the information in the education records or reasons for disagreeing with the decision of the hearing officer or both written comments and reasons.

1. The statement of the parent or student will be appended by the school to the education records so long as the record or the contested portion thereof is maintained by the District.
2. If the education records of the students or the contested portion thereof are released by the District to any party, the statement of the parent or student will also be released to the party.

Nothing in this section may be interpreted to mean that the parent or student and the District may not, by mutual agreement, meet prior to either a parent or student request for a hearing or

the hearing itself in order to discuss the concerns of the parent or student regarding the accuracy or inaccuracy of the records of the student.

Family Educational Rights and Privacy Act of 1974, 20 USC Section
1232g
34 CFR Part 99
8 NYCRR 80-1.5(b)

Revised: 7/1/03; 09-25-12; 10-17-13, 9-16-2020