

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)  
NOTICE REGARDING ACCESS TO STUDENT RECORDS AND  
STUDENT INFORMATION**

*NOTE: As noted in the policy and regulation, the district has broad discretion as to which, if any, categories it wishes to include as directory information. This notice has been updated to correspond more closely to the model provided by the U.S. Department of Education and to incorporate reference to the new 'Parents' Bill of Rights for Data Privacy and Security,' now required under state law. New text is underlined below.*

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents and students over 18 years of age (referred to in the law as “eligible students”) the following rights:

1. **The right to inspect and review the student’s education records within 45 days of the day the district receives a request for access.** Parents or eligible students should submit to the Building Principal a written request that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. **The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate or misleading or otherwise in violation of the student’s privacy under FERPA.** Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading by writing the Principal, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. **The right to provide written consent before the district discloses personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.** The exceptions, which permit disclosure without consent, include disclosure to school officials with legitimate

## NYSSBA Sample Exhibit 5500-E.1

educational interests or an authorized representative. 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 person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, 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 in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

For a complete list of exceptions to FERPA's prior consent requirements see regulation 5500-R, Section 5.

4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.** The Office that administers FERPA is:

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

Attached to this notice are three other important documents related to student data privacy: 5500-E.2, Notification of Directory Information Designations; 5500-E.3, Opt Out of Release of Directory Information Form; and, 8635-E, Parents' Bill of Rights for Student Data and Privacy. If you have questions about these notices, please contact me at (*insert contact information*)

Sincerely,

*{Insert Building Principal's Name Here}*

Adoption date: