

**AVAILABILITY OF STUDENT RECORDS IN ACCORDANCE
WITH THE FAMILY EDUCATIONAL RIGHTS AND
PRIVACY ACT OF 1974**

**(Related Policy #1111 - Public
Access to School District
Records)**

The purpose of this policy is to ensure the availability of students' records to the parents of students under 18 years of age and to students 18 years of age or older and to ensure the confidentiality of records with respect to use by third parties. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Education Rights and Privacy Act of 1974 ("FERPA") and its related regulations. See, 20 U.S.C. 20 § 1232g *et seq.*; 20 U.S.C. § 7908; 34 C.F.R. § 99.

The Board also recognizes its legal responsibility to ensure the orderly retention and disposition of the District's student records in accordance with Schedule ED-1 as adopted by the Board of Education at its annual Re-Organization Meeting.

The District will use reasonable methods to provide access to student educational records only those authorized under the law and to authenticate the identity of the requestor. The District will document requests for and the release of records, and retain the documentation in accordance with the law.

The Superintendent of Schools shall be responsible for ensuring that all requirements under the law and the Commissioner's regulations are carried out by the District.

A. Annual Notification

At the beginning of each school year, the District will publish an annual notification that informs parents, guardians and (eligible) students (for the purposes of this policy an eligible student is 18 years of age or older) currently in attendance of their rights under FERPA and the procedures for exercising those rights. This annual notice may be published in a newspaper, handbook or other school bulletin or by any other publication means that is reasonably likely to inform. This notice will also be provided to parents, guardians, and students who enroll during the school year.

The notice will include a statement that the parent/guardian or student has a right to:

1. inspect and review the student's education records; the District must comply with the request within forty-five (45) days after receipt of the request;
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 and the No Child Left Behind Act authorizes disclosure without consent; and

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)
Annual Notification (Continued)

4. file a complaint with the United States Department of Education alleging failure of the District to comply with FERPA and its regulations.

In addition, the annual notice 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, support staff member, or volunteer (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, 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 his or her professional responsibilities.

For the purposes of this policy, personally identifiable information is information that may allow a reasonable community member who lacks personal knowledge of the records request, to identify a student with reasonable certainty. Personally identifying includes, but is not limited to: student's name, name of student's parents and family members, address of student or student's parents, a social security number, student identification number, mother's maiden name, student's date of birth, and place of birth.

2. That, upon request, the District will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.
3. 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 parents or secondary student exercise their right to prohibit release of the information without prior written consent,
4. Of the procedure for exercising the right to inspect, review and request amendment of student records.
5. That, upon request, the District will disclose "directory information."

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.

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)
Annual Notification (Continued)

The District will not charge parents/guardians/eligible student to search or retrieve the records; the District may charge a fee to copy the records as long as the fee does not prevent inspection and review of the educational records.

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 3 above.

Also, if the school discloses information to “school officials,” the annual notice must specify the criteria for determining who is a school official and what constitutes a legitimate educational interest.

B. Directory Information

The District has the option under FERPA to designate certain categories of student information as “directory information.” “Directory information” includes, but is not limited to: a student’s name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, grade level, photograph, video, and e-mail address.

Social security numbers, student identification numbers or other personally identifiable information will not be considered directory information. A Student identification (ID) number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems may only be considered discretionary information only if the identifier cannot be used to gain access to education records except when used with one or more factors to authenticate the user's identity (i.e. a personal identification number (PIN), password or other information known or possessed only by the authorized user). Also, a student ID number or other unique personal identifier that is displayed on a student ID badge is not directory information unless the identifier cannot be used to gain access to education records unless used with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

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 by completing and forwarding a written “opt-out” form to the District. If no objection is received, the District may release this information without prior approval/consent of the parent/guardian or eligible student for the release. Once the eligible student or parent/guardian provides “opts-out,” it will remain in effect after the student is no longer enrolled in the school district. (See annexed “Opt-out” Reservation Form)

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)
Directory Information (Continued)

In accordance with Education Law § 2-d(5)(b)(1) and Section 121.5 of the Regulations of the Commissioner of Education, disclosure of personally identifiable information from the student records of the District, including directory information, to individuals or entities other than the parent/guardian or eligible student or which is not otherwise permitted by applicable consent or provision of Education Law § 2-d, shall be predicated upon a determination that the proposed use would benefit students and the District (e.g., improve academic achievement, empower parents and students with information, and/or advance efficient and effective school operations).

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters.

C. Access to Records

It is hereby an established policy of the Board of Education, Patchogue-Medford Union Free School District, that parents of a student or a student 18 years of age or older, have a right to inspect and review official records, files and data specifically related to their student alone, including all material that is a part of that student's cumulative record folder, and intended for school use. In addition, information that is to be made available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations and verified reports of serious or recurrent behavior patterns shall be made available pursuant to the disclosure requirements of the Family Educational Records Privacy Act of 1974 and related regulations.

Requests for records under this policy shall be made available within ten (10) days of the receipt of the formal request for such records.

D. Review of Records

Further, parents or students 18 years of age or older shall have an opportunity for a hearing to challenge the content of school records, to insure 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 inaccurate, misleading or otherwise inappropriate data contained therein.

A request for a hearing shall comply with the following steps:

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)
Review of Records (Continued)

Step I - A parent or a qualified student shall present to the school principal a written statement/request specifying the precise reason for the challenge to the record.

Step II – The principal provides a written response indicating a finding in favor of the challenge and an official action to be taken or the principal finds no basis for correcting or deleting the record in question. The parent or student will be given an opportunity for a meeting with the principal after receiving the written response. The principal shall provide this written response within a reasonable time after its receipt.

Step III - If the superintendent of schools decides the record is correct, the superintendent will prepare a letter to the requester which will include:

1. The school district's decision that the record is correct and the basis for the decision.
2. A notice, to the requester that he or she has a right to ask for a hearing to present evidence that the record is incorrect and that the district will grant such a hearing.
3. Instructions for the requester to contact the superintendent, or an official designee, to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing. The district will not be bound by the requester's positions on these items but arrange the hearing as the requester wishes.
4. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

After requester has acknowledged in writing the advice of the superintendent of schools concerning the hearing process, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and who it has designated as the hearing officer. The requester must be given reasonable advanced notice of the hearing date.

At the hearing, the hearing officer will provide the requester a full and fair opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect as shown in the requesters written request for a change in the record (second level).

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)
Review of Records (Continued)

Within one (1) week after the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit a recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The Superintendent of schools will prepare the district's decision within two (2) weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the district's decision will be based solely on the evidence presented at the hearing. As a result of the district's decision, if the school decides that the subject record is inaccurate, misleading, or otherwise in violation of the privacy rights of student, the school must amend the record.

However, if the school decides the information is accurate, not misleading or not a privacy violation, the school must allow the requestor to place a statement (which discusses the reasons the requester disagrees with the school district's decision and/or the reasons the requester believes the record is incorrect. The requestor's statement must be maintained with the record and must be disclosed whenever the record is disclosed. Additionally, the school may prepare a written notice to the requester which will include:

1. The school district's decision that the record is correct and will not be changed.
2. A copy of the written summary of the hearing officer together with any exhibits attached thereto of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
3. Advice that the requester may place in the student's education record an explanatory statement

E. Confidentiality of Students Records

Student records, which are personally identifiable, are confidential and are not to be released or made available to a person other than a parent or a student without the written consent of the parent or the student as dictated by the Family Educational Records and Privacy Act and related federal regulations. An exception to this rule is that records may be made available without written consent when the records are provided:

1. To other school officials, including teachers, within the educational institution or local educational agency who have legitimate educational interests.
2. To officials of another school in which the student intends to enroll, if the parents or student are notified of the transfer of records or request in writing the transfer of records.

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)**Confidentiality of Student Records (Continued)**

3. To authorized representatives of federal and state agencies for the purpose of the audit and evaluation of federally-supported programs or in connection with the enforcement of state or federal requirements.
4. In connection with a student's application for or receipt of financial aid.
5. To persons or agencies pursuant to court orders of subpoenas.
6. To appropriate officials in case of health and safety emergencies
7. To State and local authorities, within a juvenile justice system, pursuant to specific State law
8. To organizations conducting certain studies "for or on behalf of the school
"under certain conditions that include lack of ability of others to identify students and parents
9. To accrediting organizations
10. For disclosure concerns students who are required to register as sex offenders
11. To a caseworker or representative of a state or local child welfare agency, or tribal organization that is legally responsible for the student's placement and care without parental consent.
12. Under court order without notifying the parent if the parent is involved in a court proceeding regarding child abuse and neglect or child dependency and the court order is issued as a result of those proceedings.
13. To provide information that the District has deemed directory information.
14. Third-party contractors that signed the parents' bill of rights and have their data protection and privacy policy that is approved by the District.

Where a record or personally-identifiable information is to be released to other third parties not mentioned in the foregoing, a written consent is required specifying the record to be released, the reasons for such release and the person or persons to whom they are to be released. Such records or information may be released to a third party only on condition that they will not further release them without consent.

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)
Confidentiality of Student Records (Continued)

All persons other than school district professional staff desiring access to records, including federal or state authorities not mentioned above, shall be required to sign a written form to be kept with the student's file for future reference. The form shall indicate the legitimate reasons for the inspection of records. No form is required with respect to the legitimate use of the records by the school employees.

OTHER DISCLOSURES

FERPA permits the disclosure of personally identifiable information from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in

§99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose personally identifiable information from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)
Other Disclosures (Continued)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

F. Written Requests

A written request submitted on an official record access form is to be directed to the principal of the building in which the student is enrolled. The record access form is available and may be obtained upon request at the office of the District Clerk or in each principal's office located in each school of the district.

Policy Adopted:

February 25, 1975

Policy Revised:

October 21, 1985

Policy Revised:

December 16, 1991

Policy Reviewed:

November 8, 1999

Availability of Student Records in Accordance with "Family Educational Rights and Privacy Act of 1974" (Continued)

Policy Reviewed:
September 10, 2013

Policy Revised:
December 16, 2013

Policy Revised:
May 20, 2019

Policy Revised:
June 29, 2020

Policy Revised:
March 21, 2022

Notification to be Provided to All Families Annually and Upon Registration in the District

(ON LETTERHEAD)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") 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 after the day the Patchogue-Medford School District receives a request for access.

Parents or eligible students should submit to the school principal, or appropriate school official, a written request that identifies the records they wish to inspect. The school official 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 are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the district to amend a record should write the school principal, or appropriate school official, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and 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 school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the schoolboard. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another

Notification to be Provided to All Families Annually and Upon Registration in the District (Continued)

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.

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 name and address of the Office that administers FERPA are:

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

Under the law, the Patchogue-Medford School Union-Free District may disclose appropriately designated “directory information” without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Patchogue-Medford School District to include this type of information from your child’s education records in certain school publications. Examples include, but are not limited to:

- 1 A playbill, with your student’s role in a drama production;
- 1 The annual yearbook;
- 1 Honor roll or other recognition/awards lists;
- 1 Graduation programs and/or ceremonies; and
- 1 Athletic activity sheets, such as for football, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

The Patchogue-Medford School District has designated the following information as directory information:

- Student’s name
- Address
- Telephone Listing
- Electronic Mail Address
- Photograph
- Video
- Date and Place of Birth
- Major Field of Study

**Notification to be Provided to All Families Annually and Upon Registration in the District
(Continued)**

- Dates of Attendance
- Grade Level
- Participation in Officially Recognized Activities and Sports
- Weight and Height of Members of Sports Teams
- Degrees, Honor, and Awards Received
- The Most Recent Educational Agency or Institution Attended
- Student ID number, user Id, or Other Unique Personal Identifier used to Communicate in Electronic Systems which cannot be used to Access Educational Records without a PIN, Password, etc. (A student's SSN cannot be used, in whole or part, for this purpose)

In addition, two federal laws, Section 9528 of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. §7908) amended by the *No Child Left Behind Act of 2001*, and 10

U.S.C. §503 as amended by §544 of the *National Defense Authorization Act for Fiscal Year 2002*, require local educational agencies ("LEAs") that receive ESEA assistance to provide military recruiters, upon request, with the following information: students' names, addresses and telephone listings. The LEA must provide this information unless parents/guardians or students have advised the LEA that they do not want the student's information disclosed without their prior written consent.

If you do not want the Patchogue-Medford School Union Free, School District to disclose directory information from your student's education records without your prior written consent, you must notify the District in writing by **DATE CERTAIN**.

The Reservation of Consent Form is included as the next page of this document.

Please contact the Office of the District Clerk, at (631)687-6370, with any questions you may have.

Please see copy of the District's FERPA policy (available on District's website) for more information.

You may also refer to the Federal Government's Family Policy Compliance Office website at

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

Reservation of Consent Form

**FAMILY EDUCATION RIGHTS & PRIVACY
ACT STUDENT RECORD RELEASE FORM**September **YEAR**

I am in receipt of the notification from the Patchogue-Medford School District regarding the release of student "directory" information, as outlined in the letter on the front of this document under the Family Educational Rights and Privacy Act (FERPA). I further understand that this Reservation of Consent will need to be renewed annually. **Please do not release this information without prior written parental/guardian or (eligible) student's consent.**

Name of Student: _____

School which the Student Attends: _____

Student Home Address: _____

Please check those items to which this reservation applies:

- ___ Student's name
- ___ Address
- ___ Telephone Listing
- ___ Electronic Mail Address
- ___ Photograph
- ___ Video
- ___ Date and Place of Birth
- ___ Major Field of Study
- ___ Dates of Attendance
- ___ Grade Level
- ___ Participation in Officially Recognized Activities and Sports
- ___ Weight and Height of Members of Athletic Teams
- ___ Degrees, Honor, and Awards Received
- ___ The Most Recent Educational Agency or Institution Attended

Reservation of Consent Form (Continued)

____ Student ID number, user Id, or Other Unique Personal Identifier used to Communicate in Electronic Systems which cannot be used to Access Educational Records without a PIN, Password, etc. (A student's SSN cannot be used, in whole or part, for this purpose)

Signature of Parent/Guardian: _____

Printed Name of Parent/Guardian: _____

Signature of Student (if over the age of 18 years): _____

Printed Name of Student: _____

Date: _____

**PLEASE RETURN THIS FORM TO YOUR CHILD'S BUILDING PRINCIPAL NO
LATER THAN
DATE CERTAIN**