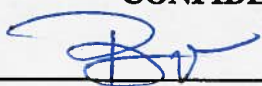


Superintendent's Regulation 1120-R

CONFIDENTIALITY OF EDUCATION RECORDS


Approved Upon Superintendent's Initials

1/18/2014
Date

"Safeguarding the confidentiality of individual student information is the responsibility of any and all organizations and individuals who collect, maintain access, transfer or use educational records."

- National Forum on Education Statistics' *Forum Guide to the Privacy of Student Information: A Resource for Schools* (2006)

All American schools are subject to federal confidentiality laws governing **education records** which include records of our students, their parents, guardians and families. The main governing law is the *Family Education Rights Privacy Act of 1974*, known commonly as FERPA (also the Buckley Amendment and the Privacy Act). The *Education Sciences Reform Act of 2002* (along with some provisions of the No Child Left Behind Act of 2002) also plays a role in ensuring confidentiality of education records.

Over the course of the past decade, laws have strengthened parent rights. In 2009 and 2011, federal law and regulations were strengthened with harsher penalties against individuals who release confidential educational records. In the past there were only civil penalties against individuals who improperly disclosed education records. Recent changes now provide stiffer penalties which may include a Class E federal felony for willful disclosure of confidential education records.

District employees routinely handle confidential student and family information. As long as it is part of your job this activity is permissible. The guiding principle for the right to possess access to confidential student and family information is a *need to know* basis. Here are some examples:

- A teacher has, under FERPA, a legitimate "need to know" certain confidential information on her or his students. (Note this does *not* extend to teachers having a right to information about students receiving free or reduced-price lunches. Lunch Code information is never to be released without informed, written parental consent)
 - A teacher does not "need to know" about students in the next classroom.
- A principal has a legitimate need to know certain information about her or his students (again, but not Lunch Code information) –
 - This need to know does not extend to other schools' students.
- District central administrators possess the right to know confidential student information only in instances where this information is part of the required work at hand.

Education records include the following confidential information: Student report cards, test scores and achievement data of any kind; attendance data, suspension data, information associated with Students with Disabilities (including their Individual Education Plans (IEPs)), information associated with students who are English Language Learners (ELL). The nine-digit student

identification number is confidential. Students' names, addresses, school and parent/guardian information is sometimes considered "directory information" under FERPA. Such information is deemed confidential by the Rochester City School District and disclosure of directory information is only permitted through the Office of Communications.

Rochester City School District Employee Responsibility

Education records are confidential and the exclusive property of the organization. As a condition of employment, all District employees are required to be familiar with this regulation and are deemed to agree that education records are the exclusive property of the organization. Every staff member has a professional and ethical responsibility to consider this information as confidential and privileged and to ensure that such information and other information designated as confidential is not improperly or accidentally disclosed. Except as required in the performance of duties for the District, staff members may not use or disclose any confidential information. Divulging confidential information will result in disciplinary action which may include dismissal. Improperly divulging confidential information may further subject an employee to criminal penalties. At the District's request, employees may be required to sign a separate confidentiality agreement clarifying this regulation as a condition of continued employment with the Rochester City School District.

Employees are required to be familiar with two important documents:

1. The *Rochester City School District Calendar and Parent Handbook* contains a summary explanation of FERPA, parental rights and other relevant information under the subject of Student Records (See, Page 6 of the 2013-2014 calendar and Handbook).

2. The National Forum on Education Statistics' *Forum Guide to the Privacy of Student Information: A Resource for Schools*. The guide is provided to all new staff and is available to employees upon request from the Department of Human Capital Initiatives.

Upon termination of employment, and during employment upon request by the School District, an employee must return copies of all documents, notes, computer disks, and other materials, in whatever form, that contain education records.

The terms employee and employment, as used herein, include volunteers, contractors and any others affiliated with the School District if through such association the individual is provided access to education records.