

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/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have control over the disclosure of certain information from the education record. The procedures for the confidentiality of student records will be consistent with state and federal laws, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations, Education Law 2-d, and the Commissioner's Regulations.

The Board also recognizes its responsibility under the Local Government Records Law to ensure the orderly retention and disposition of the district's student records in accordance with the Records Retention Schedule ED-1.

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. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to insure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools is responsible for ensuring that all requirements under state and federal laws and Commissioner's Regulations are carried out by the district.

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.

Educational Record: An educational record are those records, in any format, directly related to the student and maintained by the district or 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 (e.g. memory joggers);
- b. Records of the district's law enforcement unit;
- c. Grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible Student: An eligible student is 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 their professional responsibilities.

STUDENT RECORDS

Personally Identifiable Information: Personally Identifiable Information (PII) as it pertains to students, 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'/guardians' name and/or address, a biometric record, etc. This term is fully defined in the federal regulations at 34 CFR 99.3.

School Official: A School Official is a person who has a legitimate educational 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 which whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent/guardian or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing their tasks.

Volunteer: Volunteers must adhere to the Family Educational Rights and Privacy Act (FERPA), Federal law which protects the privacy of student personally identifiable information. The district expects that if volunteers become aware of any information about students in the course of their volunteer duties, they shall not disclose such information to anyone other than a school official with legitimate educational interest. It is very important for our volunteers to understand and respect the trust parents have in schools that student's personally identifiable or traceable information will remain confidential. Volunteers must not review any confidential student information that they do not need to perform their assigned task of volunteering. Unless directed by the classroom teacher, volunteers must not read personal notes and files on students. In the rare event that a volunteer comes into contact with confidential information or is requested by a classroom teacher to review confidential student information for purposes of fulfilling a volunteer role, the volunteer must understand that said confidential information is protected by the Family Educational Rights and Privacy Act ("FERPA") and must not be disclosed to anyone. Accordingly, volunteers shall not share, discuss or release any information that is learned or reviewed during volunteer work, with any individual, except for the classroom teacher. Refer to Board Policy 4532.

Third Party Contractor: A Third Party Contractor is any person or entity, other than an educational agency (which includes schools, school districts, BOCES, or the State Education Department) that receives student or teacher/principal PII from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. This includes educational partnership organizations that receive student or teacher/principal PII from a school district to carry out responsibilities under Educational Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

STUDENT RECORDS

Annual Notification

At the beginning of each school year, the district will provide a notice to parent(s) or guardian(s) and students 18 years of age or older (“eligible students”) currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A ‘Parents’ Bill of Rights for Data Privacy and Security will be posted on the district website and included in any agreements with third-party contractors. The notice and “Bill of Rights’ may be published in a newspaper, handbook or other school bulletin or publication. The district shall also include the notice and ‘Bill of Rights in the summer mailing. The notice and ‘Parents’ Bill of Rights’ will also be provided to parents, guardians, or an eligible student when the student enrolls during the school year.

The notice and ‘Parents’ Bill of Rights’ must include a statement that the parent/guardian 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 or 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 U.S. Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department’s Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents’ Bill of Rights will inform parents/guardians and 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. The notice will define ‘school official’ and ‘legitimate educational interest’.
2. That, upon request, the district will disclose educational 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.

STUDENT RECORDS

4. That the district, at its discretion, may release directory information (see description below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.
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 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.
7. That the district will provide information as a supplement to the "Parents' Bill of Rights" about third parties with which the district contracts that use or have access to personally identifiable student data.

The district may also release student educational records, or the personally identifiable information contained within, without consent, where permitted under Federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements please refer to the accompanying regulation 5500-R.

The district will effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent/guardian 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:

- Student Name
- Student Address (except information about a homeless student's living situation, as described below)
- Telephone number
- Participation in school activities or sports
- Dates of attendance
- Degrees and awards received

STUDENT RECORDS

- Most recent school attended
- Grade level (and anticipated Graduation Year)
- E-mail address

Information about a homeless student's living situation will be treated as a student educational record, and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student's address information in the same way they would for other student education records. The district's McKinney-Vento liaison will take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities and other beneficial activities.

Social Security numbers or other personally identifiable information will not be considered directory information.

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 their objection to the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release. Once the parent/guardian or eligible student 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 learning.

Adoption date:	June 5, 2008
Revised Policy Adoption:	March 15, 2018
Revised Policy First Reading:	May 7, 2020
Revised Policy Second Reading:	May 21, 2020
Revised Policy Third Reading:	May 28, 2020