

STUDENT RECORDS

The Board of Education recognizes the legal requirement to maintain the confidentiality of student records. The procedures for ensuring the confidentiality of student records shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its 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 in policy 1120.

The Superintendent of Schools shall be responsible for ensuring that all requirements under federal statutes and Commissioner's Regulations shall be carried out by the district.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians, and eligible students currently in attendance of their rights under FERPA and the procedures for exercising those rights. This notice may be published in a newspaper, handbook or other school bulletin or publication. This notice will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice will include a statement that the parent or eligible students 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 other 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

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, 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 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.

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. of the procedure for exercising the right to inspect, review and request amendment of student records.

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 name, grade and photograph.

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. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for release.

Cross-ref:: 1120, School District Records

5170, Student Attendance Accounting

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99 Education Law 225

Public Officers Law 87(2) (a)

Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)

8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

Adoption date: May 23, 1994

Revised: June 26, 2000

Revised: October 23, 2000

Student Records Regulations

It is recognized that the confidentiality of pupil records must be maintained. The following necessary procedures have been adopted to guarantee the protection of pupil records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) it shall be the policy of this school district to permit parents/guardians and “eligible students” to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student’s cumulative record folder. For the purpose of this regulation, “eligible students” are those students who are 18 or older or former students who are attending any school beyond the high school level. The rights created by FERPA transfer from the parents/guardians to the student once the student attains eligible student status.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of that student’s 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.

Section 3. A letter shall be sent annually to parents/guardians and eligible students informing them of their rights pursuant to FERPA. See Exhibit 5500-E.I. The district shall provide translation of this notice, where necessary, to parents/guardians and eligible students in their native language or dominant mode of communication. (See Policy 5500 for further information on the notice requirements.)

Section 4. To implement the rights provided for in Sections 1 and 2, the following procedures are adopted:

1. A parent or guardian or an eligible student who wishes to inspect and review student records shall make a request for access to the student’s school records, in writing, to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.
2. A parent/guardian or an eligible student who wishes to challenge the contents of the student’s school records, shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement with the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she finds the challenged record inaccurate, misleading or otherwise in violation of the student’s rights and it will be corrected or deleted, or that he/she finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. Such written response by the Building Principal shall

- be provided the parent/guardian or eligible student within 14 days after receipt of the written challenge. Said response shall also outline the procedures to be followed with respect to a hearing if desired by the parent/guardian or eligible student.
4. Within 14 days of receipt of the response from the Building Principal a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
 5. The hearing shall be hold within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does in which not have a direct interest in the outcome of the hearing to hold the hearing.
 6. The parent/guardian or eligible students shall be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represents by one or more individuals of his or her own choice, including an attorney.
 7. The Superintendent or other individual designated by the Superintendent will make a section in writing with 14 days after the hearing.
 8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the district. Any statement placed in the record will be maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained herein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the written consent of parents/guardians or eligible students 18 years of age or younger.

Exception to FERPA'S prior consent requirement include, but are not limited to disclosure:

1. To other school officials, within the district who have determined to have legitimate educational interests.
2. To officials at another school, school system or postsecondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U. S. Secretary of Education, or state and local education authorities in connection with an audit or evaluation of a federal or state supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.

5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aide or improve instruction.
7. To accrediting organizations to carry out accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena.
10. In connection with a health or safety emergency.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as 'directory information.'
13. To provide information from the school's law enforcement unit records.

Section 6. Whenever a student record or any material contained therein is to be made available to third parties, other than those covered by the exceptions authorized by FERPA, the parent or guardian or eligible student under 18 years of age or an eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide him or her with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such a person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student' file as long as the file is maintained.

Retention and Disposition of Student Records

The Board had adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural

Affairs Law, which contains the legal minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Adoption date: May 23, 1994

Revised: December 14, 1998

Revised: June 26, 2000

NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

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 are inaccurate or misleading.

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 consent to disclosures of personally identifiable information contained in 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 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 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.

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

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
600 Independence Avenue SW
Washington, DC 20202-4605

Sincerely,

BUILDING PRINCIPAL

Adoption date: June 26, 2000