

## 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 some control over the disclosure of information from the education record. The procedures for ensuring these rights will 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 the Retention and Disposition Schedule LGS-1 for New York Local Government Records as adopted by the Board in policy 1120.

The District will use reasonable methods to authenticate the identity of the requestor and provide access to student educational records only to those authorized under the law. 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 ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools is responsible for ensuring the District implements and complies with all requirements under law and the Regulations of the Commissioner of Education.

### 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.

Education Record: means those records, in any format, directly related to the student and maintained by the District or by a party acting on behalf of the District, except:

1. 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);
2. records of the District's law enforcement unit;
3. grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible Student: 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.

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' name and/or address, a biometric record, etc. This term is fully defined in federal regulations at 34 CFR 99.3.

School official: a person who has a legitimate education 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 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 disciplinary or grievance committee, or assisting another school official performing their tasks. Volunteers may be considered school officials for purposes of access to personally identifiable information if they are under the direct control of the District, are trained in the requirements of law under this policy, have a legitimate educational interest, and the District uses reasonable methods to limit access to only the information that is necessary to fulfill their volunteer duties. Volunteers may only access the information necessary for the assignment, and must not disclose student information to anyone other than a school official with a legitimate educational interest. The Building Principal will provide adequate training on confidentiality of student records.

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. Such services may include, 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 Education 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.

### Annual Notification

The District will annually notify parents, guardians, and 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 (see 8635-E). The notice and 'Bill of Rights' may be published in a newspaper, handbook, or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice and Parents' Bill of Rights will 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 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 United States 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 eligible students:

1. that it is the District's policy to disclose PII 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 education 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 PII will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement, or compliance purposes.
4. that the District, at its discretion, releases directory information, as defined 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 education records, or the PII contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R.

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

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, under federal law, to 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

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student’s identity)
- Address (except information about a homeless student’s living situation, as described below)
- 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, honors, and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status
- Class schedule
- Class roster

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. The District permits the parent/guardian to select the school’s address as the student’s address for purposes of directory information.

Social security numbers or other PII will not be considered directory information.

Once the District provides proper FERPA notification, a parent/guardian or eligible student has fourteen (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 directory information without prior approval of the parent/guardian or eligible student. Once a parent/guardian or eligible student provides the District with an “opt-out,” it will remain in effect after the student is no longer enrolled in the District.

The District may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records  
4321, Programs for Students with Disabilities  
4532, School Volunteers  
5151, Homeless Children  
5550, Student Privacy  
8635, Information and Data Privacy, Security, Breach, and Notification

Ref: 20 USC §§1232g; 7908  
34 CFR Part 99  
10 USC §503  
Education Law §§2-a; 2-b; 2-c; 2-d; 225  
Public Officers Law §87(2)(a)  
Arts and Cultural Affairs Law, Article 57-A  
8 NYCRR Part 121; Part 185; Appendix L  
U.S. Department of Education Student Privacy Policy Office’s Student Privacy website:  
<https://studentprivacy.ed.gov/?src=fpc>

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