

STUDENT RECORDS

In accordance with federal and state statutes and regulations regarding the maintenance of student records, the Board of Education recognizes the legal requirement to protect the confidentiality of student records. The Superintendent of Schools shall ensure that the procedures for the confidentiality of student records shall be consistent with federal and state law pursuant to the authority of the Commissioner of Education.

It is the intent of the South Colonie Central School District to limit the disclosure of information contained in a student's education records except by prior written consent of the student's parents/guardians or the eligible student, unless otherwise provided by law.

Statement of Rights

Parents/guardians and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA):

1. The right to inspect and review the student's record.
2. The right to be provided, upon request, with a copy of all or part of the student's education record.
3. The right to exercise a limited control over other people's access to the student's education record.
4. The right to designate a representative who will inspect, review, or copy such records.
5. The right to request and receive from the District a reasonable explanation of information contained in the education records of the student.
6. The right to seek to correct the student's educational record, at a hearing if necessary.
7. The right to report violations of FERPA to the Department of Education.
8. The right to be informed about FERPA rights.

All rights and protections held by a student's parent/guardian under FERPA shall vest with the student when he or she reaches the age of eighteen (18) years, or enrolls in a post-secondary school. For purposes of federal law, the student shall then become an "eligible student". Additionally, on application of the parent/guardian, a school record shall be issued promptly to a minor who

1. presents a certificate of physical fitness; and
2. meets the specified age requirement.

Annual Notification

Within the first three (3) weeks of each school year, District shall publish in a local paper notice to parent/guardian and eligible students of their rights under the FERPA and the policy contained herein. The Superintendent shall ensure that parents or eligible students who are disabled and parents who have a primary or home language other than English are effectively notified. The District shall also mail a notice to parents/guardians of students who enroll in the District during the school year delineating their rights under FERPA. Said notice shall inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records maintained by the school.
2. See amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent FERPA authorizes disclosure without such consent.
4. File with the Department of Education a complaint concerning alleged failures by the District to comply with FERPA's requirements.

Said notice shall also include:

1. The procedures for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records.
3. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for disclosing education records without prior consent.

Prior Consent of Parents or Eligible Students

The parent or eligible student shall provide a signed and dated written consent before an educational agency institution discloses personally identifiable information from the student's education records. Said consent must:

1. Specify the records that may be disclosed.
2. State the purpose of the disclosure.
3. Identify the party or class of parties to whom disclosures may be made.

If a parent or eligible student so requests, the District shall provide him or her with a copy of the records disclosed, and if the parent of a student who is not an eligible student so requests, the District shall provide the student with a copy of the records disclosed.

Exceptions to Prior Consent

The District may disclose personally identifiable information from an education record of a student without the consent required above, if the disclosure meets one or more of the following conditions:

1. The disclosure is to other school officials, including teachers, whom the District has determined to have legitimate educational interests.
2. The disclosure is to officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll.
3. Specified officials for audit or evaluation purposes; examples could include:
 - a. the Comptroller General of the United States,
 - b. the Attorney General of the United States,

- c. the Secretary of Education, or
 - d. New York State and local educational authorities.
4. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid,
 - b. determine the amount of the aid,
 - c. determine the conditions for the aid, and
 - d. enforce the terms and conditions of the aid.
5. The disclosure is to State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed by statute due to the concerns of the juvenile justice system.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:
 - a. develop, validate, or administer predictive tests,
 - b. administer student aid programs, or
 - c. improve instruction.

The District shall disclose such information only if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which such study was conducted.

7. The disclosure is to accrediting organizations to carry out their accrediting functions.
8. The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code.
9. The disclosure is to comply with a judicial order or lawfully issued subpoena, so long as the District makes a reasonable effort to notify the parent or eligible student of such order or subpoena in advance of compliance so he or she may seek protective action, unless such notice is not required or prohibited by law. If the District initiates legal action against a parent or student, or a parent or eligible student initiates legal action against the District, the District may disclose to the Court, without a court order or subpoena, the education records of the student if the District needs to proceed with the legal action as plaintiff, or to defend itself.
10. The disclosure is in connection with a health or safety emergency.
11. The disclosure is information the District has designated as “directory information”.

Directory Information

Directory information is information contained in an education record that would not generally be considered harmful or an invasion of privacy. It includes the student's name, address, telephone listing, electronic mail address, dates of attendance, dates of attendance, grade level, enrollment status, degree awarded, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended.

The District may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance of:

1. The types of personally identifiable information that the District has designated as directory information.
2. A parent's or eligible student's right to refuse to let the District designate any or all of those types of information about the student as directory information.
3. The period of time within which a parent or eligible student has to notify the District, in writing, that he or she does not want any or all of those types of information about the student designated as directory information.

Military Recruiters

The No Child Left Behind Act of 2001 requires the District to provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

Additionally, the District shall provide, upon request from a military recruiter access to secondary school students' names, addresses, and telephone listings.

A secondary school student or the parent may request that the student's name, address, and telephone listing not be released without prior written request, and the District shall notify parents of the option to make such a request and the District shall comply with that request.

Reference: Family Educational and Privacy Rights Act (FERPA), 20 U.S.C. § 1232g
34 C.R.F. Part 99 et seq.
Education Law §§ 3211, 3222
No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425 (2001)
National Defense Authorization Act for the Fiscal Year 1999, 10 U.S.C. § 503

Cross-Reference: 1120, School District Records

Revised: April 5, 2011; June 4, 2002; November 20, 2001

STUDENT RECORDS REGULATION**Procedure for Exercising the Right to Inspect and Review Education Records**

A parent or eligible student must be given the opportunity to inspect and review the student's education records, upon written request to the Superintendent or his/her designee.

The District shall comply with a request for access to records within a reasonable period of time, but not more than thirty (30) days after it has received such request. The District shall also respond to reasonable requests for explanations and/or interpretations of such records.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the District shall:

1. provide the parent or eligible student with a copy of the records requested; or
2. make other arrangements for the parent or eligible student to inspect and review the requested records.

The District shall not destroy any education records for which there is an outstanding request to inspect and review such records.

The District may charge a fee for a copy of an education record which is made for a parent or an eligible student. However, the District may not charge a fee:

1. if the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records; or
2. for costs or expenses associated with searching and/or retrieving the education records of a student.

Procedure for Requesting Amendment of Records

If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or otherwise in violation of the student's rights of privacy, he/she may submit a written request to the Superintendent, or his/her designee, to amend the record.

Upon receipt of a written challenge, the Superintendent shall provide a written response indicating either a finding that the challenged record is inaccurate, misleading, or otherwise in violation of the student's rights of privacy and it will be corrected or deleted, or that there is no basis for correcting or deleting the record in question. Such response shall be provided within fourteen (14) days after receipt of the written challenge.

If the District decides not to amend the record as requested, the Superintendent shall also inform the parent or eligible student of his/her right to a hearing. The parent or eligible student may request that a hearing be held to review the determination within thirty (30) days from the date of the Superintendent's response.

The District shall hold the hearing within a reasonable time after it has received the request for a hearing and shall give the parent or eligible student notice of the date, time and place, reasonably in advance of the hearing. The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing. At the hearing, the parent or eligible student shall have a full and fair opportunity to present relevant evidence and may be assisted by individuals of his or her choice, including an attorney.

The District shall make its decision, in writing, within a reasonable period of time after the hearing. Such decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the students, it shall:

1. Amend the record accordingly.
2. Inform the parent or eligible student of the amendment in writing.
3. If the school decides not to amend the record, the parent or eligible student has the right to a formal hearing. After the hearing, if the school decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his/her view on the contested information.

If, as a result of the hearing, the District decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of his/her right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the District's decision, or both. If such statement is placed in the education record, the District shall maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

Record Keeping

The District shall maintain a record of each request for access to, and each disclosure of, personally identifiable information from the education record of each student and such record shall be maintained for as long as such education records are maintained.

For each request or disclosure the record must include:

1. the parties who have requested or received personally identifiable information from the education records; and
2. the legitimate interests the parties had in requesting or obtaining the information.

These requirements do not apply if the request was from or the disclosure was to:

1. the parent or eligible student;
2. a school official;
3. a party with written consent from the parent or eligible student;
4. a party seeking directory information; or
5. a party seeking or receiving records pursuant to a subpoena or court order.

The following parties may inspect the record of requests and disclosures relating to the student:

1. the parent or eligible student;
2. the school official(s) responsible for the custody of the record; and
3. the parties responsible for auditing the record keeping procedures of the District.

Revised: April 5, 2011; June 5, 2002

**NOTIFICATION TO PARENTS
OF THE RELEASE OF DIRECTORY INFORMATION
UNDER THE NO CHILD LEFT BEHIND ACT OF 2001
TO MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER EDUCATION
AND THEIR RIGHT TO RESERVE CONSENT
FOR THE RELEASE OF SUCH INFORMATION**

Pursuant to the No Child Left Behind Act of 2001, upon the request of military recruiters and institutions of higher learning, the South Colonie Central School District must disclose the names, addresses, and telephone numbers of High School students. The District must also notify parents of their right and the right of their child to request that the District not release such information without prior written parental consent.

Parents wishing to reserve their consent for the release of such information must sign, date, and return this form to their student's Building Principal by _____.

Please do not release the name, address, and telephone number of _____
to military recruiters and institutions of higher learning.

Parent's Signature

Date

