

CONFIDENTIALITY OF EDUCATIONAL RECORDS
(FERPA)

Pursuant to applicable Federal and State law and regulations, the Board of Education of the Sharon Springs Central School District hereby adopts the following policies and procedures with respect to the confidentiality of, and access to, educational records.

1. *Annual Notice.* The District shall provide annual public notice to parents and eligible students (over 18 years of age) of their rights to:
 - a. Access and confidentiality of the student's educational records;
 - b. Seek amendment of the student's educational record that they believe to be inaccurate, misleading or otherwise in violation of the student's privacy rights and the procedures for requesting such an amendment;
 - c. Consent to disclosure of personally identifiable information contained in the student educational record;
 - d. Request that the District not disclose the student's directory information, as defined herein; and
 - e. Obtain a copy of this Policy.

Such notice shall also advise parents and eligible students of the Board's policy to disclose educational records to school officials with legitimate educational interests. For the purpose of this policy, such individuals shall include: a person employed by the District as an administrator, supervisor, teacher, instructor, or support staff member (including health or medical staff); a member of the Board of Education; a person with whom the District has contracted to perform a special task related to the student's educational program, (medical or instructional consultant, or therapist); or a person assisting another school official in performing his or her official duties.

For the purpose of this policy the term "directory information" includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. The policy with respect to the release of student directory information applies equally to military recruiters, the media, colleges and universities, and prospective employers.

Such notice shall be provided in the parent's dominant language or other mode of communication, wherever possible.

Parental rights under this policy shall be extended to both parents unless such rights have been specifically revoked by a court order, statute or other legally binding document.

2. *The Right to Inspect and Review Records.* A request from a parent or eligible student to review a record shall be granted without unnecessary delay and not later than 45 days after the request is made, and in any case involving a student with a disability, prior to a meeting regarding the student's IEP or an impartial hearing pertaining to such student.

The right of a parent or eligible student to inspect that student's educational records shall include the right to:

- A response from appropriate District personnel to reasonable requests for explanations and interpretations of the record;
- Request copies of the records if the failure to provide them would effectively prevent the parent from exercising the right to inspect and review such records; and
- Have a representative of the parent inspect and review such records.

The District retains the right to charge \$.25 per page for copies of such records unless the imposition of such fee effectively prevents the parents or eligible student from exercising the right to inspect and review the records requested.

3. *Confidentiality of Educational Records.* The District shall obtain written parental consent prior to disclosing or releasing personally identifiable information other than directory information, as defined herein, to anyone other than to school officials with legitimate educational interest, as defined herein, or to other appropriately authorized officials as allowed by law. Such information will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.
4. *Records Management Officer.* The Board designates the District Clerk to serve as Records Management Officer for the District, and to:
 - Develop and maintain a list of employees, identified by name and title, who have access to student records;

- With respect to each student, maintain a written Access Log of parties, (except the parents and authorized employees as defined herein), who have requested or obtained access to an educational record, collected, maintained or used, including the name of the party, the date access was given, and the purpose for which the party was authorized to access the records;
 - Establish a system to ensure that any record including information on more than one child provides only the information relating to the child of the parent requesting such information;
 - Provide to parents, on request, a list of the types and locations of educational records that the school district maintains, collects or uses pertaining to their child;
 - Ensure the confidentiality of any personally identifiable information at all stages including its collection, storage, disclosure and destruction;
 - Schedule training for staff necessary to ensure maintenance of the confidentiality of records pursuant to Federal and State law and regulations;
 - Inform parents when personally identifiable information is no longer needed to provide educational services to the child. At the parents request, any such information must be destroyed. However, a permanent record of the student's name, address, phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without limitation; and
 - Maintain records documenting compliance with all applicable laws and regulations for a period of at least five (5) years.
5. *The Right to Request an Amendment to Educational Records.* The Board of Education designates the Principal/Superintendent to review and act on, as appropriate, parental requests to amend in an educational record that the parent believes contains information which is inaccurate, misleading or constitutes an invasion of privacy. If such request is denied, the Principal/Superintendent shall notify the parent in writing of the right to request a hearing. Such hearing shall be scheduled within 30 business days of the receipt of a written request and shall be heard by the Principal/Superintendent who shall appoint an alternate hearing officer if he/she may have direct interest in the outcome of the hearing.

Notice of the hearing shall include:

- Notice of the time, date and location of the hearing;
- Notice of the right to present evidence; and
- notice of the right to be assisted or represented by a person of the parents' choice, including an attorney.

Following such hearing, the hearing officer shall issue a written decision within a reasonable time which shall include a summary of the evidence and the basis for the decision. If the hearing officer declines to amend the record, the decision shall advise the parents' of their right to include with the record a statement of the reasons for their disagreement with the determination which shall be maintained by the district as part of the record and disclosed if such record is disclosed.

Authority:

8 NYCRR Part 185

8 NYCRR 200.2 (b)

8 NYCRR 200.5 (f)

8 NYCRR 200.16 (g)

34 CFR 76.734

34 CFR Part 99

34 CFR 300.560 - 300.577

NYS Education Law §2(13); 225

Public Officers Law §87(2)(a)

Arts and Cultural Affairs Law, Article 57-A

Matter of Board of Education of City of New York v. Regan,
131 Misc.2d 514 (1986)