Book	Policy Manual
Section	5000 Students
Title	STUDENT RECORDS
Code	5500
Status	Active

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 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 _LGS-1 as adopted by the Board in policy 1120.

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.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the 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.
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:

(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.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student s record in order to fulfill his or her professional responsibilities.

Personally identifiable information: 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.

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 his or her tasks.

Annual Notification
At the beginning of each school year, the district will publish a notification that informs parents, guardians and 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 students who enroll during the school year.

The notice 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.

The annual notice 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 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 personally identifiable information 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 (see definition 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;
5. of the procedure for exercising the right to inspect, review and request amendment of student records.

The district may also release student education 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 see accompanying regulation 5500-R, Section 5.

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

- 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,
- Telephone number
- Date and place of birth
- Dates of attendance,
- Most recent school attended
- Grade level
- Photograph
- Enrollment status

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 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 student for the release. Once the student or parent/guardian provides the opt-out, it will remain in effect after the student is no longer enrolled in the school district.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
5550, Student Privacy
Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC 7908 (Military Recruiter Access)
10 USC 503 as amended by 544 of the National Defense Reauthorization Act for FY 2002
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 LGS-1 for Use by School Districts and BOCES
Guidance for Reasonable Methods and Written Agreements,
http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf
Family Policy Compliance Office website: http://www2.ed.gov/policy/gen/guid/fpco/index.html

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1st Reading March 25, 2014
2nd Reading & Adoption April 24, 2014
1st Reading for Re-Adoption: September 29, 2020
2nd Reading and Re-Adoption: October 27, 2020