

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 ED-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. 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 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.

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 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. 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 shall provide adequate training on confidentiality of student records.

Third party contractor: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

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 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 5500-E.4) 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 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.
- 5.

The annual notice and Parents' Bill of Rights 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. 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 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 (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 and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status

Information about a homeless student’s living situation shall be treated as a student educational record, and shall 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 shall 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 personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to disclose their student ID cards.

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.

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 Under IDEA and Part 89
4532, School Volunteers
5550, Student Privacy
5151, Homeless Children

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 §§ 2-a; 2-b; 2-c; 2-d; 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
"Guidance for Reasonable Methods and Written Agreements,"
http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf
Parents' Bill of Rights for Data Privacy and Security, July 29, 2014:
<http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office website:
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Adoption date: 12/31/1995
Revised date: 08/07/2017

STUDENT RECORDS REGULATION

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

Section 1. Pursuant to the "Family Educational Rights and Privacy Act of 1974" it shall be the policy of this school district with respect to parent(s) or guardian(s) of a student under 18 years of age and with respect to students 18 years of age or older (an "eligible student") to permit such persons 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, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns. In some circumstances, it may be mutually more convenient for the Records Access Officer to provide copies of records.

Section 2. Parent(s) or guardian(s) of a student under 18 years of age or an eligible student shall have an opportunity for a hearing to challenge the content of that student's school records, to insure 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. In order to implement the rights provided for in Sections 1 and 2 hereof, the following procedures are adopted:

1. A parent or guardian of a student under 18 years of age or an eligible student shall make a request for access to that student's school records, in writing, to the Records Access Officer. Upon receipt of such request, arrangements shall be made to provide access to such records within thirty (30) days after the request has been received.

Since records may be maintained in several locations, the Records Access Officer will offer to collect copies of records or the records themselves from locations other than a student's school, so that these records may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, the Records Access Officer will accommodate their wishes.

Parents or eligible students should submit to the Records Access Officer a written request which identifies as precisely as possible the record or records he/she wishes to inspect.

The Records Access Officer will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The Records Access Officer will make the needed arrangements as promptly as possible and notify a parent or an eligible student of the time and place where the records may be inspected. This procedure must be completed in 30 days or less from the receipt of the request for access.

If, for any valid reason such as working hours, distance between records location sites or health, a parent or an eligible student cannot personally inspect and review a student's education records, the district will arrange for a parent or an eligible student to obtain copies of the records.

The district will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part or entirely by the Records Access Officer. However, the district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes. The district may deny copies of records (except for those required by the FERPA) in the following situations:

- a. there is an unpaid financial obligation to the school; or
 - b. there is an unresolved disciplinary action against the student which warrants the denial of copies.
2. A parent or guardian of a student under 18 years of age or an eligible student, who wishes to challenge the contents of that student's school records, shall submit a request, in writing, 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 to the Superintendent.
 3. Upon receipt of a written challenge, the Superintendent shall provide a written response indicating either that he/she finds the challenged record inaccurate, misleading or otherwise in violation 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 or guardian or eligible student will be given an opportunity for a hearing. Such written response by the Superintendent shall be provided the parent or guardian or eligible student within fourteen (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 or guardian or eligible student.
 4. Within fourteen (14) days of receipt of the response from the Superintendent a parent or guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Superintendent.

Section 4. Student records, and any material contained herein which is personally identifiable, are confidential and may not be released or made available to persons other than parent(s) or guardian(s) or students without the written consent of parent(s) or guardian(s) of students 18 years of age or younger. Such records and material may be made available without the written consent of parents/guardians or eligible students in the following cases:

1. to other school officials, including teachers within the district who have legitimate educational interests;

2. to officials of another school in which the student intends to enroll, if the parent(s) or guardian(s) or student are notified of the transfer of records, are given a copy if they desire one, and have an opportunity for a hearing to challenge the content of the records;
3. to authorized representatives of certain designated federal and state agencies, including state educational authorities, for the purpose of the audit and in connection with the enforcement of federal legal requirements;
4. in connection with a student's application for or receipt of financial aid; and
5. pursuant to court order or subpoena, after notification to the parent or guardian or eligible student.

Section 5. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions indicated in Section 4 hereof, the parent or guardian of a student under 18 years of age or an eligible student must file a written consent to such action and any third party to whom such records have been made available must sign a written statement that he/she will not further release such records without the consent of the parent or guardian or eligible student.

Section 6. All persons requesting access to such records except for those persons provided for in subdivision 1 of Section 4 hereof, state agencies provided for in subdivision 3 of Section 4 hereof and those persons provided for in subdivision 5 of Section 4 hereof shall be required to sign a written form which indicates a legitimate educational or other interest that such person has in inspecting the records. Such form shall be kept with the student's file. See Exhibit 5500-E.2.

Section 7. Whenever the district is requested to forward a student's school records, including health records, to a neighboring public school district within this BOCES, the following procedures shall be followed:

1. A student's school records, including health records, shall be forwarded to the neighboring public school district from which such a request is made upon the receipt of a request by the appropriate administrator of the requesting district.
2. The prior written consent of the student's parent(s) or guardian(s) or eligible student shall not be necessary. However, upon the forwarding of the student's records, the parent(s) or guardian(s) of the student or eligible student shall be notified in writing that the records have been transferred.

Such notice shall be by certified letter, return receipt requested and such letter shall be forwarded to the parent(s) or guardian(s) or eligible student not later than the close of business of the day upon which the student's records are forwarded to the neighboring district.

Section 8. All instructional material, including teachers' manuals, which are used in connection with a research or experimental program must be available for inspection by the parents or guardians of the children engaged in such program. "Research or experimentation program or project" is defined as a program or project "designed to explore or develop new or unproven teaching methods or techniques."

Section 9. A letter shall be sent to parent(s) or guardian(s) of students under 18 years of age and to eligible students informing them of their rights pursuant to the "Family Educational Rights and Privacy Act of 1974." See Exhibit 5500-E.1.

Records of Requests for Access and Disclosure Made From Education Records

The district will maintain an accurate record of all requests for the disclosure of information from, or permission for access to, education records, and of the information it discloses and access it permits with certain exceptions listed below. These records will be kept with, but will not be a part of, each student's or preschool child's cumulative school record. It will be available only to the Records Access Officer, the eligible student, the parents of the student or preschool child, or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The records will include at least:

1. the name of the person or agency that made the request;
2. the interest the person or agency had in the information;
3. the date the person or agency made the request; and
4. whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain these records as long as it maintains the student's education records.

These records will not include requests for access or access granted to parents of the student or preschool child or to an eligible student, requests for access or access granted to officials of the district who have a legitimate educational interest, requests for, or disclosure of, information contained in the education records if the request is accompanied by the prior written consent of a parent of the student or preschool child or an eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosures of, directory information designated for that student.

ADOPTED: 12/13/95

**NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL
RIGHTS AND PRIVACY ACT**

Dear Parent or Student:

This is to advise you of your rights with respect to the school records relating to (your son) (your daughter) (you) pursuant to the Federal "Family Educational Rights and Privacy Act of 1974."

Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

A parent of a student under 18 years of age or a student 18 years of age or older shall make a request for access to a child's (his/her own) school records, in writing, to the Elementary Principal of the building to which such student is assigned or the Guidance Counselor in the Secondary School. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than 45 days after the request has been received.

If information contained in the student's record is believed to be inaccurate or misleading, the parent or eligible student should write the Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the district decides not to amend the record as requested, the parent or eligible student will be notified of the decision and advised 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.

Student records, and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials, and certain state and federal officials, who have a legitimate educational need for access to such records in the course of their employment. In addition, the district will disclose, upon request, education records to officials of another school district in which a student seeks or intends to enroll.

Further, directory information may be released by the school to anyone who requests it unless the parent or eligible student objects (CHECK "Do not release" and return this letter to the Principal) to the release of any or all of this information within ten school days of the time this letter was issued. Directory information includes a student's name, parents' names, address, telephone number, date and place of birth, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and most recent previous school attended.

_____ DO NOT RELEASE

Sincerely yours,

SUPERINTENDENT OF SCHOOLS

**NOTIFICATION OF RELEASE OF STUDENT RECORDS
PURSUANT TO COURT ORDER OR SUBPOENA**

TO: _____
Parent or Guardian - Student

Address

The purpose of this notice is to notify you that on _____ (date),
the Hancock Central School District released the following documents:

from your child's (your own) student records to _____
pursuant to a court order or subpoena, a copy of which is attached hereto.

Signature _____ Date _____

Note: Exhibit added

a*d

**APPLICATION TO REVIEW STUDENT RECORDS
BY PARTIES ENTITLED THERETO
WITHOUT CONSENT OF PARENT/GUARDIAN OR STUDENT**

I, _____ ,

have hereby requested access to _____

records for the following reasons: _____

Said records will not be made available to any other person or persons

without the specific written consent of _____
(Parent/Guardian - Student)

Signature _____ Date _____

Note: Exhibit added

a*d

**APPLICATION TO REVIEW STUDENT'S RECORDS AND
CONSENT THERETO BY PARENT/GUARDIAN OR STUDENT**

APPLICATION

I, _____ ,

have hereby requested access to _____

records for the following reasons: _____

Said records will not be made available to any other person or persons

without the specific written consent of _____
(Parent/Guardian - Student)

Signature _____ Date _____

CONSENT

I hereby consent that _____

have access to my child's (to my) records with the understanding that such records

will not be released by him/her to other persons without my further consent.

Signature _____ Date _____

Note: Exhibit added

a*d