

## **FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT: (FERPA)**

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents and students over 18 years of age (referred to in the law as "eligible students") the following rights:

1. To inspect and review the student's education records within 45 days of the day the district receives a request for access, parents or eligible students should submit a written request to the superintendent the records they wish to inspect. The superintendent will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. To request an amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading, the request must be in writing, addressed to the superintendent, and clearly identify the part of the record they want changed, specifying why it is inaccurate or misleading. If the district does not agree to amend the record, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing. Hearing procedures will be provided to the parent or eligible student when they are notified of the right to a hearing.
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. Disclosure, without consent, is allowed to school officials with legitimate educational interest. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. The district discloses education records, without consent, to officials of another school district in which a student seeks or intends to enroll.
4. To file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.
5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained herein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the written consent of parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

- A. To other school officials within the district who have been determined to have

- legitimate educational interests.
- B. To officials of another school, school system or postsecondary institution where the student seeks or intends to enroll.
  - C. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
  - D. In connection with a student's application for or receipt of financial aid.
  - E. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
  - F. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
  - G. To accrediting organizations to carry out their accrediting functions.
  - H. To parents of a dependent student, as defined by the Internal Revenue Code.
  - I. To comply with a judicial order or lawfully issued subpoena. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena.
  - J. In connection with a health or safety emergency.
  - K. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
  - L. To provide information that the district has designated as directory information.
  - M. To provide information from the school's law enforcement unit records.

6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student requests, the district will provide them with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such a form shall be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

#### *Retention and Disposition of Student Records*

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal

minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Family Policy # Compliance  
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