

**SEWANHAKA CENTRAL HIGH SCHOOL DISTRICT** ADOPTED: Nov. 27, 1984  
AMENDED: Mar. 12, 1985  
May 11, 1994  
May 27, 2008  
Oct. 22, 2013

## **BOARD POLICY**

### **STUDENTS 5591**

FERPA - FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

#### INTRODUCTION

This policy and the procedures included with it are designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA), and the Sewanhaka Central High School District is committed to implement the policy and follow the procedures.

The Board of Education authorizes the school superintendent to inform parents, students, and the public of the policy and to exercise his or her administrative resources to implement the policy as well as to deal with individuals who violate it.

In case a parent of a student, and eligible student, or a citizen of the Sewanhaka Central High School District believes that the district is violating the FERPA, that person has a right to file a complaint with the Department of Education.

#### DEFINITIONS

For the purposes of this policy, the Sewanhaka Central High School District has used the following definitions of terms.

Student - any person who attends or has attended a program of instruction sponsored by the Board of Education of the Sewanhaka Central High School District.

Eligible student - a student or former student who has reached age 18 or is attending a postsecondary school.

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

Parent - includes a parent, a guardian or an individual acting as a parent of a student in the absence of a parent or guardian. An educational agency or institution may presume the parent has the authority to exercise the rights inherent in the Act unless the agency or institution has been provided with evidence that there is a State law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.

In the case of children of estranged, separated or divorced parents, or in the case of children in the custody of some person or institution other than their parent

- 1 - Requests by a parent with whom the child resides to examine the child's records will be honored.
- 2 - For requests by a parent with whom the child does not reside to see the child's records, the principal will notify the parent or institution with whom the child does reside of the request. The notice will tell the custodian of the child that the request, has been made, the name of the person making the request, and the date on which the request was made. Whenever practical, the notice shall be written in the primary language of the student's home.

The parent making the request shall be notified at the time of the request that an investigation is being conducted to ascertain whether a binding instrument, or court order bars the school from giving the parent access to the records, and if no such document has been found within fourteen calendar days, the records will be made available to the parent.

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 records - any record (in handwriting, print, tapes, film, or other medium) maintained by the Sewanhaka Central High School District, an employee of the district, or an agent of the district which is related to a student except:

- 1 - A personal record kept by a school staff member which meets the following tests:
  1. It was made as a personal memory aid.
  2. It is in the personal possession of the individual who made it.
  3. Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
- 2 - Grades on peer-graded papers before they are collected and recorded by a teacher.
- 3 - Records maintained by "law enforcement units." In each school, Assistant Principals whose duties include student discipline and school safety shall be designated by the Building Principal as law enforcement unit officials. These individuals shall be responsible for referring potential or alleged violations of law to local police authorities. Investigative reports and other records created and maintained by these law enforcement unit officials are not considered "education records" subject to FERPA. Accordingly, schools may disclose information from law enforcement unit records to outside law enforcement authorities, without parental consent. Law enforcement unit records shall be maintained separately from education records. All District Assistant Principals have been designated as law enforcement unit officials.
- 4- Security Videos. Images of students captioned on security videotapes shall be maintained by the school's law enforcement unit. These images **are not** considered education records under FERPA. Accordingly, these images may be shared with parents of students who are on the video and with outside law enforcement as appropriate.
- 5- Information obtained through personal knowledge or observation. FERPA does not prohibit a school official from disclosing information about a student if the

information is obtained through a school official's personal knowledge or information, and not from the student's education records.

- 6- An employment record which is used only in relation to a student's employment by the Sewanhaka Central High School District. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course).
- 7 - Alumni records which relate to the student after he or she no longer attends classes provided by the Sewanhaka Central High School District and the records do not relate to the person as a student.

Personally identifiable information - is any data or information that makes the subject of a record known. This includes the student's name, the student's parent's or other family member's name, the student's address, the student's social security number, a student number, a list of personal characteristics, or any other information which would make the student's identity known.

#### ANNUAL NOTIFICATION

Each school year, the Sewanhaka Central High School District will publish in the District Calendar and post on the District website a notice to parents and eligible students of their rights under the FERPA and this policy.

The notice will include the following:

- 1 - The right of a student's parents and eligible students to inspect and review the student's education records.
- 2 - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- 3 - The right of a student's parent or an eligible student to seek to correct parts of the student's education record which he or she believes to be inaccurate, misleading, or in violation of student rights. This right includes the right to a hearing to present evidence that the record

should be changed if the district decides not to alter it according to the parent or eligible student's request.

- 4 - The right of any person to file a complaint with the United States Department of Education if the Sewanhaka Central High School District violates the FERPA.
- 5 - The procedure that a student's parent or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

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 purpose 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. 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. The procedure for exercising the right to inspect, review and request amendment of student records.

The District will arrange to provide translations of this notice to non-English speaking parents in their native language.

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
- \*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
- \*Email address
- \*Enrollment status

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 display or 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.

The District may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

STATEMENT OF RIGHTS

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act and this policy.

- 1 - The right to inspect and review the student's education record.
- 2 - The right to exercise a limited control over other people's access to the student's education record.
- 3 - The right to seek to correct the student's education record; in a hearing if necessary.
- 4 - The right to report violations of the FERPA to the Department of Education.
- 5 - The right to be informed about FERPA rights.

All rights and protections given parents under the FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a postsecondary school. The student then becomes an "eligible student".

LOCATIONS OF EDUCATION RECORDS

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
<u>Cumulative School Records</u>	Guidance	Chairperson of Pupil Personnel Services  Elmont Memorial H.S. 555 Ridge Road Elmont, NY 11003  Floral Park Memorial High School 210 Locust Street Floral Park, NY 11001  H. Frank Carey H.S. 230 Poppy Avenue Franklin Sq., NY 11010

New Hyde Park Memorial  
High School  
500 Leonard Blvd.  
New Hyde Park, NY11040

Sewanhaka High School  
500 Tulip Avenue  
Floral Park, NY 11001

Cumulative School Records  
(Former Students)

Same as  
Above

Same as Above

Health Records

School Health  
Office

School Nurse in each  
School

Psychological and Special  
Education Records

Special  
Education

Supervisor of Special  
Education Services  
Administrative Offices  
77 Landau Avenue  
Floral Park, NY 11001

School Transportation  
Records

Office of  
Transportation

Supervisor  
of Transportation  
Administrative Offices  
77 Landau Avenue  
Floral Park, NY 11001

If for any valid reason such as working hours, distance between record location sites, or health, a parent or eligible student cannot personally inspect and review a student's education record, the Sewanhaka Central High School District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

### FEEES FOR COPIES OF RECORDS

The Sewanhaka Central High School District will not deny parents or eligible student 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 record custodian. 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 school district may deny copies of records (except for those required by the FERPA) in the following situations:

- 1 - The student has an unpaid financial obligation to the school.
- 2 - There is an unresolved disciplinary action against the student which warrants the denial of copies.

The FERPA requires the school district to provide copies of records:

- 1 - When the refusal to provide copies effectively denies access to the records by a parent or eligible student.
- 2 - At the request of the parent or eligible student when the school district has provided the records to third parties by the prior consent of the parent or eligible student.
- 3 - At the request of the parent or eligible student when the school district has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. This fee will be 25 cents per photocopy, not in excess of 9" x 14" or the actual cost of reproducing any other record.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience will be the actual search, retrieval, and copying cost plus postage if that is involved.

### USE OF STUDENT EDUCATION RECORDS

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes.

The Sewanhaka Central High School District will only release information from or permit access to a student's education record with a parent or eligible student's prior written consent except that the school superintendent or a person designated in writing by the superintendent may permit disclosure:

- 1 - When a student seeks or intends to enroll in another school district or a postsecondary school. The district will not further notify parents or eligible students prior to such a transfer of records. Parents and students have a right to obtain copies of records transferred under this provision.
- 2 - When certain Federal and State officials need information in order to audit or enforce legal conditions related to Federally supported education programs in the district.
- 3 - To parties who provide or may provide financial aid to a student to:
  - a - Establish the student's eligibility for the aid.
  - b - Determine the amount of financial aid.
  - c - Establish the conditions for the receipt of the financial aid.
  - d - Enforce the agreement between the provider and the receiver of financial aid.
- 4 - If a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.
- 5 - When the Sewanhaka Central High School District has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction.
- 6 - To accrediting organizations to carry out their accrediting functions.
- 7 - To parents of eligible students if the parents claim the student was a dependent as defined by the Internal Revenue Code of 1986, section 152.
- 8 - To comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to

notify the student's parents or the eligible student before making a disclosure under this provision.

- 9 - Designated "directory information", unless parent/guardian or eligible student has prohibited release of the information without prior written consent.

The Sewanhaka Central High School District will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

- 1 - He or she deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons.
- 2 - The information is necessary and needed to meet the emergency.
- 3 - The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.
- 4 - Time is an important and limiting factor in dealing with the emergency.

Sewanhaka Central High School District officials may release information from a student's education record if the student's parent or the eligible student gives his prior written consent for the disclosure. The written consent must include at least:

- 1 - A specification of the records to be released.
- 2 - The reasons for the disclosure.
- 3 - The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
- 4 - The parent or student's signature.
- 5 - The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parent or the student may obtain a copy of any records disclosed under this provision.

The Sewanhaka Central High School District will not release information contained in a student's education records to any third

parties except its own officials, unless those parties agree that the information will not be redisclosed without the parent or eligible student's prior written consent.

#### RECORDS OF REQUESTS FOR ACCESS AND DISCLOSURES MADE FROM EDUCATION RECORDS

The Sewanhaka Central High School District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses, and access it permits with some exceptions listed below. This record will be kept with, but not be a part of, each student's Cumulative School Records. It will be available only to the record custodian, the eligible student, the parent of the student, or to Federal, State or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record 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.
- 4 - Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District will maintain this record as long as it maintains the student's education record.

The record will not include requests for access or access granted to parents of the student or to an eligible student, requests for access or access granted to officials of the Sewanhaka Central High School District who have legitimate educational interest in the student, requests for or disclosures of information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the student or the eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosures of directory information designated for that student.

#### PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate,

misleading, or in violation of student rights. The district will consider a request to change the grade a teacher assigns for a course.

For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term "correct" will be used to describe a record that is accurate, not misleading, and not in violation of student rights.

Also, in this section, the term "requester" will be used to describe the parent of a student or the eligible student who is asking the school district to correct a record.

To establish an orderly process to review and correct an education record for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

First level decision - The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item:

- 1 - Is inaccurate and why,
- 2 - Is misleading and why, or
- 3 - Violates student rights and why.

The request will be dated and signed by the requester.

Within six weeks after the record custodian receives a written request, he or she will; study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the district's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester.

If the custodian decides the record is correct he or she will prepare a letter to the requester which will include:

- 1 - The school district's decision, that the record is correct and the basis for the decision.
- 2 - A notice to the requester that he or she had a right to ask for a hearing to present evidence that the record is incorrect and that the district will grant such a hearing.

- 3 - Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Second level decision - After the requester has submitted a request for a hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and who is designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect as shown in the requester's written request for a change in the record.

Within one week after the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The School Superintendent will prepare the District's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the district's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent may over-rule the hearing officer if he believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent will take one of the following actions:

- 1 - If the decision is that the District will change the record, the superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
- 2 - If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester which will include:
  - a - The school district's decision that the record is correct and will not be changed.

- b - A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
- c - Advice to the requester that he or she may place in the student's education record an explanatory statement which states the reasons he or she disagrees with the school district's decision and/or the reasons he or she believes the record is incorrect.

Final administration step in the procedure - When the Sewanhaka Central High School District receives an explanatory statement from a requester after a hearing it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.