

## **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 parents/guardians, and students age 18 or over, have the right to inspect and review education records. The procedures for ensuring this right will be consistent with New York State and Federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations, and the *Great Neck Public School's Parents' Bill of Rights for Data Privacy and Security (Policy 8635-E)*. The District will use reasonable methods to authenticate the identity of the requestor and then provide access to student educational records only to those authorized under applicable law. Furthermore, when the District executes agreements with third-party contractors who collect, process, store, organize, manage or analyze student Personally Identifiable Information (PII), the District will obtain and review the contractor's privacy policy to ensure that the contractors comply with Federal and New York State laws with regard to data privacy and security.

The Superintendent of Schools is responsible for ensuring that all requirements under law, the New York State Commissioner of Education's regulations and District policies are implemented.

### **Definitions**

*Authorized Representative:* an authorized representative is any individual or entity designated by a New York State or Local Educational Authority (LEA) or a Federal agency headed by a United States Secretary, Comptroller General or Attorney General to carry out audits, evaluations, enforcement or compliance activities relating to educational programs.

*Education Record:* a record, 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 created them and not accessible or revealed to any other person except a substitute.
- (b) 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:* school officials have a legitimate educational interest if they need to review a student's record in order to fulfill their professional responsibilities.

*Personally identifiable information (PII):* as it pertains to students, 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'/guardians' name and/or address, a biometric record, etc., and includes items outlined under FERPA, §34 CFR 99.3.

*School official:* a person who has a legitimate educational 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; 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/guardian or student serving on an official committee or assisting other school official performing their tasks. Volunteers may be considered school officials for purposes of access to (PII) if they are approved by 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 District official with a legitimate educational interest. The Building Principal will provide adequate training on confidentiality of student records in accordance with this Policy.

*Third party contractor:* is any person or entity, other than an educational agency (which includes schools, school districts, BOCES, or the New York State Education Department), that receives student or teacher/principal PII from an educational agency pursuant to a contract or other written agreement for purposes of providing, delivering or facilitating services to such educational agency or audit or evaluation of publicly funded programs. This includes educational partnership organizations that receive student or teacher/principal PII from a school district to carry out responsibilities under New York State Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

### 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 (*Policy 8635-E*) will be posted on the District website alongside supplemental information about third-party products with links to privacy policies and agreements. The annual notice may also be published in District publications. The annual notice and Parents' Bill of Rights will inform parents/guardians or eligible students of their rights regarding access to and disclosure of PII.

The District may also release student education records, or the PII 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 Student Records Regulation, Section 5*).

The District will effectively notify parents, guardians and students who have a primary or home language other than English with translated information.

The District has the option under FERPA of designating certain categories of information as directory information. Except as otherwise required by law, the disclosure of directory information consisting of names, telephone numbers, mailing and parent/guardian email addresses, and awards received shall be limited to District authorized school-related parent organizations.

Information about a homeless student's living situation shall be treated as a student educational record and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to the release of a student's address information in the same way they would for other student education records. The District's McKinney-Vento liaison will take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities and other beneficial activities.

Social security numbers or other PII will not be considered directory information.

Eligible students who opt out of having directory information shared are still required to wear and display their student ID cards in compliance with *Policy 8105 Identification Badges*.

Any other requests for release of directory information will require prior annual approval from the Superintendent of Schools or designee. *It is forbidden for any recipient of directory information to release directory information to any other individual, organization or company including those who would make contact on their behalf.* Once the proper FERPA notification of such disclosure is given by the District, a parent/guardian, or eligible student will have 14 calendar days to notify the District in writing to the school principal of their objections to the release of directory information. Once the parent/guardian, or eligible student provides an objection, it will remain in effect after the student is no longer enrolled in the school district. If no objection is received, the District may release this information to District authorized school-related parent organizations without prior approval of the parent/guardian, or eligible student.

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

In any given school year, an elementary class list containing the directory information listed above may be shared by a District authorized school-related parent organization with the parents/guardians of that class. Parents/guardians who are in receipt of such lists may use them only for school-related matters and shall not further distribute them. A parent/guardian may submit a written statement to the building principal in order to opt their child out of such participation.

All electronic messages sent by District authorized school-related parent organizations must be sent in undisclosed fashion (i.e. bcc), such that directory information is not revealed.

Any violation of this provision can result in the termination of authorization to use the directory information that has already been released. Future access will be conditional upon a review by the Superintendent of Schools or designee.

The District will document requests for and release of student records and directory information and retain such documentation in accordance with applicable law and *Policy 1120 School District Records*.

***Great Neck Public Schools***

***Adopted: 11/14/11; 10/21/13; 4/17/18; 5/13/20***