

## **STUDENT RECORDS**

The Board of Education of the Great Neck Public Schools 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, seek to amend education records and have some control over the disclosure of information from an educational record in accordance with law. 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)*.

At the same time, provision will be made for the proper inspection of such records upon legal authority or upon the written direction or consent of the parents/guardians of the student. At least two school days' notice will be given to the appropriate District authority by parents/guardians or students who wish to review individual records.

The Board also recognizes its responsibility concerning the orderly retention and disposition of the District's student records.

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. The District will document requests for and release of records, and retain such documentation in accordance with law. Standardized test scores released by the New York State Department of Education on a districtwide basis, are public information, but individual scores and/or student test papers and written work will not be released as public information, except to the eligible parent/guardian or student.

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:* 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 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.
- c) records of treatment created or maintained by a physician, psychiatrist, psychologist or other professional/paraprofessional acting in that capacity.

*Eligible student:* a student who has reached the age of eighteen (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 and law enforcement personnel, if any); 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 such as a disciplinary or grievance committee. 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, Board of Cooperative Educational Services (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 eligible 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 newspapers, handbooks or other bulletins or publications, and will also be provided to parents, guardians and eligible 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 PII 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.

In addition, the annual notice will also inform parents/guardians and students:

1. that it is the District's policy to disclose PII from student records, without consent, to other school officials within the District whom the District has determined to have legitimate educational interests.
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 PII will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes, that the District, in its discretion, releases directory information (as defined 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.
4. that, upon request, the District will disclose a high school student's name,
5. address and telephone number to military recruiters and institutions of higher learning unless the parent/guardian or secondary school student exercises their right to prohibit release of the information without prior written consent 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 PII contained within, without consent, where permitted under Federal law and regulation.

The District has the option under FERPA of designating certain categories of information as Directory Information. The Board of Education directs that Directory Information will be a student's name, grade level, school attending, awards received and mailing address.

Notwithstanding the foregoing, Directory Information will only be disclosed to third parties without the consent of the parent/guardian when such disclosure would benefit both the student and the District. Under no circumstances will a student's PII be considered Directory Information.

Parents/Guardians or eligible students may opt out of having any Directory Information released.

Recipients of Directory Information are prohibited from any release of said information.

Once the proper FERPA notification of Directory Information is given by the District, a parent/guardian, or eligible student will have 14 calendar days to notify the District in writing to the building 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.

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](#).

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

The District will effectively notify parents, guardians and students who have a primary or home language other than English, to the extent practicable, in their native language or dominant mode of communication or with translated information.

Information about a homeless student's living situation will 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.

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; 4/26/22***