

# Policy

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## EDUCATION RECORDS

The District will not release education records, including personally identifiable information contained in Education Records, except:

1. Written Consent: The District may release the information, if prior to the release of information, the District receives written consent from the parent. The written consent must specify the information to be released, the reason for the release, and to whom the information may be released. The District will give the parent or student a copy of the information released, if requested by the parent.
2. Directory Information: The District may release Directory Information if the District has properly circulated its annual FERPA notification to parents of students in attendance and eligible students in attendance, unless the parent or eligible student has opted-out from allowing the District to release this information. The District designates the following information as Directory Information: student's name, parent's name, address, date and place of birth, telephone number, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, and awards received, most recent previous educational agency attended by student, photograph, and video images of students engaged in routine activities when those images are not records of the district.
3. Military Recruiters: The District will disclose to requesting military recruiters the names, addresses and telephone numbers of juniors and seniors, unless the parent or eligible student has submitted the appropriate paperwork prohibiting such release.
4. School Officials with a legitimate educational interest: The District may release the information to other school officials, including teachers within the District who have a legitimate educational interest in the information. The District will use reasonable methods to ensure that school officials have access only to the education records in which the school officials have a 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; a person elected to the School Board; a person or company employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist; a parent or student serving on an official committee,

## POLICY

### NON-INSTRUCTIONAL BUSINESS OPERATIONS

4010

#### EDUCATION RECORDS

such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks. A school official may be a contractor, consultant, volunteer or other party to whom the District has outsourced instructional services and

functions if that individual or entity is performing services district employees otherwise perform (is not selling products or services), is under the direct control of the district with respect to the use and maintenance of the education records and is restricted from re- disclosing the education records except as permitted by FERPA.

- A school official has a legitimate educational interest if the official is: Performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid; or maintaining the safety and security of the campus.
- The District receives services from the Madison-Oneida BOCES Regional Information Center and its vendors in accordance with FERPA. A request for a complete list of current vendors may be submitted to the Records Access Officer.

5. Student seeks to enroll in a different school: The District may release student records to officials of other schools in which the student seeks or intends to enroll, provided that the student's parents are notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
6. Certain State and Federal Officials: The District may release information to authorized officials of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education or certain State and Local Educational authorities.
7. Financial Aid: The District may release information to appropriate parties in connection with a student's application for or receipt of financial aid.
8. Authorized organizations performing studies: The District may release information to organizations conducting studies for or on behalf of the District to develop, validate or administer predictive tests, administer student aid programs or improve instruction, provided that appropriate safeguards are implemented in accordance with federal regulations.

## POLICY

### NON-INSTRUCTIONAL BUSINESS OPERATIONS

4010

#### EDUCATION RECORDS

9. Accrediting Organizations: The District may release information to authorized accrediting organizations to carry out their accrediting functions.
10. Court Order or Subpoena: The District may release information pursuant to a valid court order or subpoena, provided that the District makes a reasonable effort to notify the affected parent or eligible student of the court order or subpoena in advance of the release of the information (except that in certain cases, such as in the case of certain subpoenas issued under the U.S. Patriot Act, the court order or subpoena may require release of information without advance notice to the parents).
11. Victim of Specified Crimes: In certain instances, the District may release to the victim of a specified crime, the final results of a disciplinary proceeding commenced against the alleged perpetrator, provided that the release conforms to the requirements of 34 CFR 99.39. The final results may only include the name of the student, the offense committed and the sanction imposed by the District.
12. Information Concerning Registered Sex Offenders: The District may release information provided to it under 42 USC 14071 and the applicable Federal Guidelines.
13. Child Welfare Agencies: The District may release information to an agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan and when the agency or organization is legally responsible for the child's care and protection to provide accurate information about a child's education history and needs to make informed placement recommendations to the court.
14. Release in connection with an emergency necessary to protect health or safety: The District may release information to appropriate parties in connection with an emergency if the release is necessary to protect the health or safety of the student or other persons. The District will consider the following criteria when determining whether the information should be disclosed:
  - The seriousness of the threat to the health of the student or other individuals;
  - The need for the information to meet the emergency;
  - Whether the parties to whom the information is disclosed are in a position to deal with the emergency;
  - The extent to which time is of the essence in dealing with the emergency.

## POLICY

### NON-INSTRUCTIONAL BUSINESS OPERATIONS

4010

#### EDUCATION RECORDS

The District will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed

If the District discloses student records to a third party as permitted by this policy, the District will:

1. Advise the third party of its duty to refrain from redisclosing the information and of its obligation to maintain the confidentiality of the information in accordance with the *Family Educational Rights and Privacy Act*.
2. If possible, attach to the disclosed record the following statement: "This document contains personal information from a student's education records. It is protected by the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and may not be re-released without consent of the parent or eligible student."

#### **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 regarding Education Records 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. The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bills 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 so that they are accurate and do not otherwise violate 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.

## POLICY

### NON-INSTRUCTIONAL BUSINESS OPERATIONS

4010

#### EDUCATION RECORDS

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. A complete list of exceptions to FERPA's prior consent requirements will be included in the Administrative Regulations prepared to implement this policy.

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.

#### **Regulations Related to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and

## POLICY

### NON-INSTRUCTIONAL BUSINESS OPERATIONS

4010

#### EDUCATION RECORDS

noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to protect the confidentiality of such records with respect to third parties.

#### **Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure 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.

#### **Disclosures to Parents of Eligible Students**

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

1. If the student is claimed as a dependent for Federal income tax purposes by either parent;
2. In connection with a health or safety emergency;
3. If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or
4. If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

#### **Release of Information to the Noncustodial Parent**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

#### **Release of Information to Another Educational Institution**

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll. Parental consent is not required for transferring education records; however, the school's

## POLICY

NON-INSTRUCTIONAL BUSINESS OPERATIONS

4010

### EDUCATION RECORDS

annual FERPA notification should indicate that such disclosures have been made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

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Westmoreland Central School District

Legal Ref: The Federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232; 34 CFR 99; October 9, 2002 Joint Memorandum from Secretary of Education Rod Paige and Secretary of Defense Donald H. Rumsfeld; February 7, 2003 Memorandum to Superintendent's from LeRoy S. Rooker, Director of the Family Policy Compliance Office, US Dept. of Education; Uninterrupted Scholars Act, 8 NYCRR 121.12(b)

Adopted: 07/15/80

Revised: 08/09/88, 1/11/11, 07/14/20, 7/9/24