

BY-LAW PERTAINING TO STUDENT RECORDS POLICIES AND PROCEDURES

DEFINITIONS

For the purposes of this policy, the school district has used the following definitions of terms:

Student – any person who attends or has attended a program of instruction sponsored by the school district.

Eligible student – a student or former student who has reached age 18 or is attending a post-secondary school

Parent – either natural parent of a student unless his or her rights under the FERPA (Family Educational Rights and Privacy Act) have been removed by a court order, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian

Education records – any record (in handwriting, print, tapes, film or other medium) maintained by the 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:
 - a) It was made as a personal memory aid.
 - b) It is in the personal possession of the individual who made it.
 - c) Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
2. An employment record which is used only in relation to a student's employment by the school district. (Employment for this purpose does not include activities for which a student received a grade or credit in a course.)
3. Alumni records which relate to the student after he or she no longer attends classes provided by the school district and the records do not relate to the person as a student.

Personal identifier – 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

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district 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 intent of the school district to limit the disclosure of information contained in a student's education records except: (1) by the prior written consent of the student's parent or the eligible student, (2) as directory information, or (3) under certain limited circumstances, as permitted by the FERPA.
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 Department of Education if the 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 district will arrange to provide translations of this notice to non-English speaking parents in their native language.

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 post-secondary school. The student then becomes an “eligible student”.

LOCATIONS OF EDUCATION RECORDS

TYPE OF RECORD	LOCATION	CUSTODIAN
Cumulative School Records	Guidance Office	Guidance Secretary
Cumulative School Records (Former Students)	Guidance Office	Guidance Secretary
Health Records	Health Office	School Nurse Assistant
Speech Therapy Records	Speech Therapy Office	Speech Therapist
Psychological Records	Psychologist Office	Director of Special Education
School Transportation Records	Transportation Office	Supervisor of Transportation
Special Test Records	Principal’s Office	Principal

Occasional Records –
(Student Education Records not identified above such as those in Superintendent’s office, in the school attorney’s office, or in the personal possession of teachers)

PROCEDURE TO INSPECT EDUCATION RECORDS

Parents of students and eligible students may inspect and review the student’s education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies.

Since a student’s records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student’s school, so they may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will accommodate their wishes.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or other custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location or the records brought to a single site).

The principal (or other custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

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 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.

FEES FOR COPIES OF RECORDS

The school district will not deny parents or eligible students 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 entirety 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 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 from no cost to 25 cents per page.

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 25 cents per page plus postage if that is involved.

DIRECTORY INFORMATION

The school district proposes to designate the following personally identifiable information contained in a student's education record as "directory information", and it will disclose that information without prior written consent.

1. The student's name
2. The names of the student's parents
3. The student's address
4. The student's telephone number
5. The student's date of birth
6. The student's class designation (i.e. 1st grade, 10th grade, etc.)
7. The student's extracurricular participation
8. The student's achievement awards or honors
9. The student's weight and height if a member of an athletic team
10. The student's photograph, including publication of the photograph on District sponsored websites.
11. The school or school district the student attended before he or she enrolled in the school district

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district the above list, or a revised list, of the items of directory information it proposes to designate as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After the parents or eligible student have been notified, they will have two weeks to advise the school district in writing (a letter to the school superintendent's office) of any or all of the items they refuse to permit the district to designate as directory information about that student.

At the end of the two-week period, each student's records will be appropriately marked by the records custodians to indicate the items the district will designate as directory information about that student. This designation will remain in effect until it is modified by the written direction of the student's parent or the eligible student.

USE OF STUDENT EDUCATION RECORDS

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The school district will use the following criteria to determine who are school officials. An official is:

1. A person duly elected to the school board
2. A person certified by the State and appointed by the school board to an administrative or supervisory position
3. A person certified by the State and under appointment to the school board as an instructor
4. A person employed by the school board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his or her performance as a substitute
5. A person employed by or under the appointment to the school board to perform a special task such as a secretary, a clerk, the school board attorney or auditor for the period of his or her performance as an employee or contractor.

School officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:

1. Perform an administrative task required in the school employee's position description approved by the school board
2. Perform a supervisory or instructional task directly related to the student's education
3. Perform a service or benefit for the student or the student's family such as health care, counselling, student job placement or student financial aid.

The 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 post-secondary 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 students 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 school district has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid 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 as a dependent as defined by the Internal Revenue Code of 1954
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. If the disclosure is an item of directory information and the student's parent or the eligible student has not refused to allow the district to designate that item as directory information for that student.

The 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

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 school district will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be redisclosed without the parent or eligible students prior written consent.

RECORDS OF REQUESTS FOR ACCESS AND DISCLOSURES MADE FROM EDUCATION RECORDS

The 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 will 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 school district who have a 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.

PROCEDURE 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. (Note: Under the FERPA, the district may decline to 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 "requestor" 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 – When a parent of a student or an eligible student finds an item in the student's education record which he or she believes is inaccurate, misleading or in violation of student rights, he or she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, he will:

1. Provide the requestor a copy of the questioned record at no cost

2. Ask the requester to initiate a written request for the change, and
3. Follow the procedure for a second level decision.

Second 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 two 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 to move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he will effect the change and notify the requester in writing that he has made the change. Each such notice will include an invitation for the requester to inspect and review the student’s education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, he will make a written summary of any discussions with other officials and of his findings in the matter. He will transmit this summary and a copy of the written request to the school superintendent.

Third level decision – The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the school board (in executive session). He will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent decides the record is incorrect and should be changed, he will advise the record custodian to make the changes. The record custodian will advise the requester of the change as he would if the change had been made at the second level.

If the superintendent decides the record is correct, he 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 has 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. Instructions for the requester to contact the superintendent, or an official he designates to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The district will not be bound by the requester's positions on these items but will, so far as possible, arrange the hearing as the requester wishes.)
4. Advice that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth level decision – After the requester has submitted (orally or in writing) his wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and who it has 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 (second level).

Within one week after the close of 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 present 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 overrule 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 or the reasons he or she believes the record is incorrect.

Final administration step in the procedure – When the 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 for 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.

ADOPTION

The Board of Education of the Harpursville Central School District adopted this student records policy at its March 13, 1995 meeting and thereby directs and authorizes the appropriate school officials to establish and put in effect the procedures to implement the by-laws as of the date of the adoption.

Any other by-law pertaining to this subject is hereby superseded.

Copies of the policy will be available for parent and eligible student review in the principal's office of each school building and at the superintendent's office.

First reading – February 27, 1995

Second reading and adoption – March 13, 1995

Pg. 5 – Directory Information - #4 and #9 amended 10/11/99