

## CONFIDENTIALITY OF EDUCATIONAL RECORDS (FERPA)

Pursuant to applicable federal and State law and regulations, the Board of Education of the Bethlehem Central School District hereby adopts the following policies and procedures with respect to the confidentiality of, and access to, educational records.

1. Annual Notice. The District shall provide annual public notice to parents as defined in law and eligible students (over 18 years of age) of their rights to:
  - Access and confidentiality of the student educational records;
  - Seek amendment of a student's educational record that they believe to be inaccurate, misleading or otherwise in violation of the student's privacy rights and the procedures for requesting such an amendment;
  - Consent to disclosure of personally identifiable information contained in the student educational record;
  - Request that the District not disclose directory information, as defined herein; and
  - Obtain a copy of this Policy.

Such notice shall also advise parents and eligible students of the Board's policy to disclose educational records to school officials with legitimate educational interests. For the purpose of this policy, such individuals shall include: a person employed by the District as an administrator, supervisor, teacher, instructor, or support staff member (including health or medical staff); a member of the Board of Education; a person with whom the District has contracted to perform a special task related to the student's educational program, (medical, professional and/or instructional consultants, specialists, therapists, etc.); or a person assisting another school official in performing his or her official duties.

2. The Right to Inspect and Review Records. A request from a parent or eligible student to review a record shall be granted without unnecessary delay and not later than 45 days after the request is made, and in any case involving a student with a disability, prior to a meeting regarding the student's Individualized Education Program (IEP) or an impartial hearing pertaining to such student.

The right of a parent or eligible student to inspect that student's educational records shall include the right to:

- A response from appropriate District personnel to reasonable requests for explanations and interpretations of the record;
- Request copies of the records if the failure to provide them would effectively prevent the parent from exercising the right to inspect and review such records; and
- Have a representative of the parent inspect and review such records upon the District's receipt of proper written consent.

The District retains the right to charge \$.25 per page for copies of such records unless the imposition of such fee effectively prevents the parents or eligible student from exercising the right to inspect and review the records requested.

3. Confidentiality of Educational Records. The District shall obtain written parental consent prior to disclosing or releasing personally identifiable information other than directory information, as defined herein, to anyone other than to school officials with legitimate educational interests, as defined herein, or to other appropriately authorized officials as allowed by law.
4. Records Management Officer. The Board designates the Director of Pupil Personnel Services to serve as Records Management Officer for the District, and to:
  - Develop and maintain a list of employees, identified by name and title, who have access to student records;
  - With respect to each student, maintain a written Access Log of parties, (except the parents and authorized employees as defined herein), who have requested or obtained access to an educational record, collected, maintained or used, including the name of the party, the date access was given, and the purpose for which the party was authorized to access the records;
  - Establish a system to ensure that any record including information on more than one child provides only the information relating to the child of the parent requesting such information or authorizing its release to a third party;
  - Provide to parents, on request, a list of the types and locations of educational records that the school district maintains, collects or uses pertaining to their child;
  - Ensure the confidentiality of any personally identifiable information at all stages including its collection, storage, disclosure and destruction;

- Schedule training for staff necessary to ensure maintenance of the confidentiality of records pursuant to federal and State law and regulation;
- Inform parents when personally identifiable information is no longer needed to provide educational services to the child. At the parents request, any such information must be destroyed. However, a permanent record of the student's name, address, phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without limitation; and
- Maintain records documenting compliance with all applicable laws and regulations for a period of at least five (5) years.

5. The Right to Request an Amendment to Educational Records. The Board of Education designates the Director of Pupil Personnel Services to review and act on, as appropriate, parental requests to amend in an educational record that the parent believes contains information which is inaccurate, misleading or constitutes an invasion of privacy. If such request is denied, the Director of Pupil Personnel Services shall notify the parent in writing of the right to request a hearing. Such hearing shall be scheduled within 30 business days of the receipt of a written request and shall be heard by the Director of Pupil Personnel Services who shall appoint an alternate hearing officer if he/she may have direct interest in the outcome of the hearing.

Notice of the hearing shall include:

- Notice of the time, date and location of the hearing;
- Notice of the right to present evidence; and
- Notice of the right to be assisted or represented by a person of the parents' choice, including an attorney.

Following such hearing, the hearing officer shall issue a written decision within a reasonable time, which shall include a summary of the evidence and the basis for the decision. If the hearing officer declines to amend the record, the decision shall advise the parents' of their right to include with the record a statement of the reasons for their disagreement with the determination which shall be maintained by the district as part of the record and disclosed if such record is disclosed.

This policy shall remain in full force and effect unless modified by the Board of Education.

Authority:

8 NYCRR Part 185  
8 NYCRR 200.2 (b)  
8 NYCRR 200.5 (f)  
8 NYCRR 200.16 (g)  
34 CFR 76.734  
34 CFR Part 99  
34 CFR 300.560 - 300.577  
NYS Education Law §2(13); 225  
Public Officers Law §87(2)(a)  
Arts and Cultural Affairs Law, Article 57-A  
*Matter of Board of Education of City of New York v. Regan*, 131 Misc.2d 514 (1986)

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