Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents (defined under federal regulations as not being limited by a court order, and the natural parent, guardian, or an individual acting as a parent in the absence of a parent or guardian) of students under 18 years of age, emancipated students, dependent students, and students 18 years of age or older or attending a post- secondary institution ("eligible students") certain rights with respect to the student's education records. An education record is defined as, "any and all official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or BOCES and specifically including, but not necessarily limited to, identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns." These rights are as follows:

A.The right to inspect and review or receive a copy under certain circumstances of the student's education records within 45 days after BOCES receives a request for access. Parents or eligible students should submit to the appropriate BOCES official a written request that identifies the record(s) they wish to inspect. The BOCES official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

B. The right to request an amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or a violation of the student's privacy rights. Parents or eligible students may ask the BOCES to amend a record that they believe is inaccurate, misleading or a violation of the student's privacy rights. They should write the appropriate BOCES official; clearly identify the part of the record they want amended, and specify why the information is inaccurate, misleading or an invasion of privacy. If BOCES decides not to amend the record as requested by the parent or eligible student, BOCES will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

C. The right to provide written consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. There are a number of exceptions. One exception, which permits disclosure without consent, is disclosure to BOCES officials and home school district officials with legitimate educational interests. A BOCES official and/or home school district official is a person employed by the BOCES or home school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the BOCES or home school district board; a person, contractor, company, or volunteer with whom the BOCES or home school district has contracted to perform a special task (such as the vendor of a remote meeting/platform, an attorney, auditor, medical consultant, therapist, or records retention service); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A BOCES official or home school district official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. A second exception is upon request, the BOCES discloses 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 the Individuals with Disabilities Education Act, to another school or postsecondary institution at which the student seeks or intends to enroll is instructed to enroll or is

enrolled in, and parental/legal guardian consent is not required for transferring education records; because the annual FERPA notification indicates that such disclosures will be made.

Additionally, upon request, BOCES must provide a copy of the information disclosed and an opportunity for a hearing.

Other exceptions are as follows:

1. Government Authorities
   To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the New York State Education Department.

   Disclosures under this provision may be made in connection with an audit or evaluation of Federal- or
   State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.

2. Financial Aid
   In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.

3. Studies
   To organizations conducting studies for, or on behalf of, the school, in order to:
   a. Develop, validate, or administer predictive tests;
   b. Administer student aid
   programs; or c. Improve
   instruction.

4. Accrediting Organizations
   To accrediting organizations to carry out their accrediting functions.

5. Dependent Students
   To parents of an eligible student if the student is a dependent for IRS tax purposes.

6. Judicial Orders or Subpoenas
   To comply with a judicial order or lawfully issued subpoena provided notice is provided in advance of compliance except that an order or subpoena issued in a proceeding of child abuse and neglect, or dependency and the parent is a party to the proceedings no advance notice is required.

7. Foster Care
   To a caseworker for the NYS department or County welfare agency who is legally responsible for the care and protection of the student and has access to the student's case plan provided the records and or personally identifiable information will not be disclosed by the agency except to an individual

or entity engaged in addressing the student's education needs and authorized by the agency to receive such disclosure in accordance with New York State Law.

8. Student Teaching
   New York State requires student teachers to videotape themselves providing instruction in a classroom to meet their instruction component for their teaching certification. The video is and must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant personnel. This is an exception to parental consent for release of education records under FERPA per New York State Law.

9. Health or Safety Emergency
   To appropriate officials in connection with a health or safety emergency.

10. Juvenile Justice System
    To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5)).

11. Limited Directory Information
    BOCES has designated limited directory information only to be released to federal, state, or local law enforcement for any reason where they seek a student's name, student's address, telephone listing, email address, attendance records, and/or photograph.

D. The right to file a complaint with the U.S. Department of Education concerning alleged failures by BOCES to comply with the requirements of FERPA. The name and address of the Office that administers

FERPA is:

Student Policy Privacy Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202-5920

BOCES 2 Policy & Regulation 6320 fully details the procedures and rights of parents and can be found under the community tab at *www.monroe2boces.org/parentpacket*.

Revised: April 2026