

Monroe 2-Orleans BOCES Policy**Series 6000 – Students****Policy #6320 – STUDENT RECORDS: ACCESS AND CHALLENGE****Student Records**

The BOCES shall comply with the provisions of the “Family Educational Rights and Privacy Act of 1974” (FERPA). Under its provisions, “parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review 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.”

Access 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 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 insure the confidentiality of such records with respect to third parties. The regulations will allow disclosure of directory information from a student record in accordance with FERPA and federal law with regard to military recruiters unless the parent/eligible student opts out. Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board allows for release of limited directory information without parental consent where the federal, state, or local police for any reason seek a student’s address, telephone listing, email address, and/or photograph.

The BOCES shall publish an annual public notice and in its regulations informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the BOCES’ definition of directory information, the parent/eligible student’s right to refuse the release of student directory information, and indication of the time period for their response. Following such public notice and a reasonable response period, the BOCES may release such information without consent.

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 insure that the records are not inaccurate, misleading, or otherwise in violation of the student’s privacy rights, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or violation of privacy content.

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Release of Information to Another Educational Institution

The BOCES 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 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 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.

Family Educational Rights and Privacy Act of 1974
20 United States Code (U.S.C.) Section 1232(g)
34 Code of Federal Regulations (CFR) Section 300.571
No Child Left Behind Act (ESEA §9528, 20USC §7908, amended by P.L. No. 107-110)
National Defense Authorization Act 10USC §503, amended by §544, P.L. No. 107-110

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