

Broome-Tioga BOCES

Annual Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records and personally identifiable information (PII). These rights are:

1. The right to inspect and review the student's education records within 45 days after receiving receipt of a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

- Parents or eligible students who wish to request amendment of a record should write the school principal [or appropriate school official], clearly identifying the part of the record they want changed, and specify why it should be changed.
- If amendment of the record as requested by the parent or eligible student is denied, the parent or eligible student will be notified of the decision, and 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.

3. The right to provide written consent before disclosure of PII from the student's education records, except to the extent that FERPA authorizes disclosure without consent (see below for examples of disclosures that can be made without consent).

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

- Student Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student:

1. To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record to fulfill their professional responsibility. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1)).

A school official is:

- A person employed by or under contract with Broome-Tioga BOCES as an administrator, supervisor, instructor, or support staff member including health or medical staff and law enforcement personnel.
 - A person serving on the Broome-Tioga BOCES Board of Education.
 - A person or company with whom Broome-Tioga BOCES has outsourced services or functions it would otherwise use its own employees to perform and is under the direct control of Broome-Tioga BOCES with respect to the use and maintenance of PII from education records. Examples included but are not limited to attorney, auditor, medical consultant, therapist, or Broome-Tioga BOCES' insurance carrier(s).
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
 3. 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 State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, 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 PII 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. (§§99.31(a)(3) and 99.35)
 4. 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))
 5. 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. (§99.31(a)(4))
 6. 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. (§99.31(a)(6))
 7. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
 8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))

9. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
10. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
11. Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))
12. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
13. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K)).

Broome-Tioga BOCES

Annual Notification of Rights under FERPA for Elementary and Secondary Schools-Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal Law, requires that Broome-Tioga BOCES, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information (PII) from your child's education records. However, Broome-Tioga BOCES may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with district procedures. The primary purpose of directory information is to allow Broome-Tioga BOCES to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill showing your student's role in a drama production;
- The annual yearbook;
- Honor roll and other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require school districts receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with student names, addresses and telephone listings – unless parents have advised the school district that they do not want their student's information disclosed without their prior written consent.

If you do not want Broome-Tioga BOCES to disclose some or all directory information from your child's education records without your prior written consent, you must notify the district in writing within 30 days after the publication of this notice. Broome-Tioga BOCES has designated the following information as directory information:

1. Student's name
2. Address
3. Telephone listing
4. Electronic mail address
5. Student's Image, including video
6. Date and place of birth
7. Major field of study
8. Dates of attendance
9. Grade level
10. Participation in officially recognized activities and sports
11. Weight and height of members of athletic teams
12. Degrees, honors, and awards received
13. The most recent educational agency or institution attended

For additional information or questions about FERPA and the disclosure of education records/PII, please contact the Building Principal/Program Supervisor.

FERPA Contacts 2023-2024

Chenango Valley Central School District

221 Chenango Bridge Road

Binghamton, NY 13901

Contact: Dr. Larry Dake, Superintendent of Schools