

Tuxedo Union Free School District
Tuxedo Park, New York 10987

Mr. Joseph P. Zanetti
Superintendent of Schools

Ms. Dawn Cupano
Business Administrator

August 2007

Dear Parent or Student:

The Family Educational Rights and Privacy Act (“FERPA”) affords parents/guardians and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records, including:

1. The right to inspect and review the student’s education records within 45 days of the day the School District receives a request for access.

Parents/Guardians or eligible students should submit to the Building Principal a written request that identifies the record(s) they wish to inspect. The Building Principal will make arrangements for access and notify the parent/guardian 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/guardian or eligible student believes are inaccurate or misleading.

Parents/Guardians or eligible students may ask the School District to amend a record that they believe is inaccurate or misleading. They should write to the Building Principal, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the School District decides not to amend the record, as requested by the parent/guardian or eligible student, the School District will notify the parent/guardian or eligible student of the decision and advise him/her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School District as an administrator, supervisor, instructor or support staff member (including health or medical staff); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist, District insurance company); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right not to have Directory Information disclosed without prior written consent.

This School District designates the following items as Directory Information, and may disclose any of these items without prior written consent, unless notified to the contrary, in writing, by the parent/guardian or eligible student by the end of the first 30 days of the school year:

student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, post-graduate plans, degrees and awards received, photographs.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA are:

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

6. For High School Students Only: The right not to have your child's name, address and telephone number disclosed to military recruiters and/or institutions of higher learning without your prior written consent.

The No Child Left Behind Act requires the Tuxedo Union Free School District to disclose to military recruiters and institutions of higher learning, upon request, the names, addresses and telephone numbers of high school students, unless you notify the District, in writing, that you do not want such information released by the District without your prior written consent. If you, as a parent/guardian of a high school student, or a student over the age of 18, wish to exercise your option to withhold your consent to the release of the above information to military recruiters and/or institutions of higher learning, you must sign, date and return the form below to the High School Principal by September 30, 2007.

To: Principal
Tuxedo High School
Box 2002
Tuxedo, NY 10987

I, the parent/guardian of _____, a student or I, _____, a student over the age of 18, at Tuxedo High School do not consent to the release of the name, address and telephone of such student to:

_____ military recruiters

_____ institutions of higher learning

(you may check one or both)

Date: _____

(Parent/Guardian/Eligible Student Signature)

(Print Name of Parent/Guardian/Eligible Student)

Please contact my office if you need any additional information.

Sincerely,

Joseph P. Zanetti
Superintendent of Schools

JPZ:ns

STUDENTS RECORDS REGULATION

Definitions

For the purpose of this Regulation, the School District has used the following definitions of terms:

Student – Any person who attends or has attended 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, a guardian or an individual designated to act 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 or an agent of the School District which is directly related to a student, **except**:

1. A personal record kept by a school staff member if it is kept in the personal possession of the individual who made the record and the information contained in the record 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 and which is maintained in the normal course of business.
3. Alumni records which contain information about a student after he or she is no longer in attendance at the School District and the records do not relate to the person as a student.

In addition, an eligible student may be refused access to psychiatric or treatment records; however, an eligible student may designate a physician or other appropriate professional who the school must permit to inspect the records.

FERPA – Family Educational Rights and Privacy Act of 1974, as amended.

Annual Notification

Parents and eligible students in attendance at the School District will be notified of their FERPA rights and the District's policy and procedures governing access to records, annually, by publication in their child's student handbook. In addition, the School District shall send home a bulletin listing these rights, which will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year. This notice shall include:

1. The right of the student's parent or eligible student to inspect and review the student's education records within 45 days from the date of the District's receipt of the request;
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading;

Student Records Regulations (2)

3. The right to receive notice of any decision by the School District not to amend a student's education records, as requested by the parent or eligible student, and the right to a hearing regarding the School District's denial of a request for an amendment;
4. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (e.g. directory information, upon request to another school district in which a student seeks or intends to enroll);
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA;
6. The right to obtain a copy of this policy and the locations where they may be obtained.

This notice shall be provided to non-English speaking parents in their native language.

Procedure to Inspect Education Records

Parents of students or eligible students may inspect and review the student's education records upon request. Such request shall be in writing to the Superintendent of Schools or designee, identifying as precisely as possible, the record or records which he/she wishes to inspect. The student's records will be made available for review promptly, and in any event, within 45 days of such written request. The parent or eligible student will be notified of the time and place where the records may be inspected. The School District may require that an official be present during such inspection. No documents may be removed from school premises.

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 portion of the record which pertains to other students.

Refusal to Provide Copies

The School District will not provide a parent or eligible student with a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.

If the record involves answers to a standardized test, the School District will not provide a parent or eligible student a copy of standardized test questions.

Copies of student education records shall be provided, upon a parent's request, when:

1. Records are transferred to another school;
2. Information is released to a third party designated by the parent or eligible student;
3. Failure to do so would effectively deny the right of inspection.

Student Records Regulations (3)

A parent or eligible student may permit any third person to inspect the student's educational records. Such consent must be in writing, signed and dated and must specific:

1. Which records are to be disclosed;
2. The purpose or purposes of disclosure; and
3. The individual(s) or group(s) to whom disclosure should be made.

Any third party to whom such records have been made available shall sign a written statement that he/she will not further release such records without the consent of the parent or eligible student.

Fees for Copies of Records

The fee for copies will be 25 cents per page (or actual cost of reproduction) and postage, if any.

Disclosure of Education Records

The School District shall disclose information from a student's education records only with the written consent of the parent or eligible student, **except**:

1. To school personnel (including administrators, teachers, support staff, board members and persons employed by or under contract with the School District to perform a special task, such as school attorney, auditor, medical consultant, therapist, **District's Insurance Company**) within the School District who have a legitimate educational interest in the records. A legitimate educational interest shall include performing a task which is specified in his or her job description or by contract, performing a task related to a student's education or the discipline of a student, or providing a service or benefit related to the student or student's family, such as health care, counseling or job placement.
2. To school officials of another school in which a student seeks or intends to enroll, upon request of such school official.
3. To certain officials of the U.S. Department of Education, the U.S. Comptroller General and the State and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary, to determine the eligibility, amount or conditions of the financial aid, or to enforce and terms and conditions of aid.
5. If required by a State law requiring disclosure that was adopted prior to November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the School District for the purpose of developing, validating or administering predictive tests, student aid programs and instruction.

Student Records Regulations (4)

7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student who claim the student as a dependent for income tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena, provided that a reasonable effort is made to notify the parent or eligible student prior to compliance.
10. To appropriate parties in a health or safety emergency.

Record of Requests for Disclosure

The School District shall maintain a record of all requests for and/or disclosure of information from a student's education records, excluding requests of school officials and requests for directory information. The record will indicate the name of the party making the request, any additional parties to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parent or eligible student.

Correction of Education Records

A parent or eligible student has the right to challenge the contents of the student's education records and to ask to have the records corrected:

1. The parent or eligible student shall submit a request to the Superintendent of Schools, in writing, to amend the record. The record or part of the record sought to be amended shall be identified and the reason why he/she believes the record is inaccurate, misleading or violates the privacy or other rights of the student, shall be specified.
2. The School District may comply with the request or decide not to comply. The Superintendent shall provide a written response within ten (10) working days of receipt of the written challenge, indicating whether or not the challenged material will be corrected or deleted. If the request is denied, the Superintendent shall advise the parent or eligible student of their right to a hearing to challenge the decision.
3. Upon request, the School District will arrange for a hearing before an impartial hearing officer and notify the parent or eligible student, reasonably in advance, of the date, place and time of the hearing. The hearing officer may be an official of the School District.
4. The parent or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parent or eligible student may be assisted by one or more individuals, including an attorney.
5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing, summarizing the evidence presented and stating the reasons for the decision.

Student Records Regulations (5)

6. If the hearing officer decides that the challenged information is inaccurate, misleading or in violation of the student's right of privacy, the School District will amend the record and notify the parent or eligible student, in writing, that the record has been amended.
7. If the hearing officer decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, the School District will notify the parent or eligible students of his/her right to place a statement in the student's education record explaining the challenged information and/or setting forth reasons for disagreeing with the decision. This statement shall be maintained as part of the student's education records as long as the contested portion is maintained. If the School District discloses the contested portion of the records, it will also disclose the statement.

Complaint Procedure

A person may file a complaint with the U.S. Department of Education if he/she feels that the School District has violated FERPA, by sending a written complaint to:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5920**

Directory Information

The School District designates the following items as Directory Information: student's name, address, telephone number, date and place of birth, major field of study, post-graduate plan, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, awards received and photographs. The School District may disclose any of these items without prior written consent, unless notified to the contrary, in writing, by the parent or eligible student by the end of the first thirty days of the school year.

The School District's policy regarding release of Directory Information shall apply equally to military recruiters, the media, colleges and universities and prospective employers.