

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT PROTECTION OF PUPIL RIGHTS AMENDMENT 7160

Parents and eligible students ¹ shall be notified annually of the following:

A. Access to, and Correction and Release of Student Records

(Family Educational Rights and Privacy Act)

Parents/guardians and eligible students have certain rights to inspect and review the student's education records and are entitled to limit disclosure of certain information from these records. The rights accorded to parents/guardians and eligible students are set out below:

1. Parents/guardians and eligible students have the right to inspect and review the student's education records maintained by the school within 45 days of the day a written request for access is made. Requests may be addressed to the Principal of the school the student currently attends, and the Principal will make arrangements for inspection at a specific time and place. Parents/guardians and eligible students may also direct such a request to the Assistant Superintendent, Edgemont Jr./Sr.High School, 300 White Oak Lane, Scarsdale, New York 10583. The schools is not required to provide copies of any such records, except as provided by law. The school may charge a fee for any copies provided.
 2. The School District will not release information contained in a student's education record without prior written consent of the parent/guardian or eligible student, except under those limited circumstances as permitted by the Family Educational Rights and Privacy Act.
 3. The School District may also release "directory information" without prior written consent. "Directory information" may include the student's name, parent/guardian's names, parent/guardian's e-mail address address, telephone number, date and place of birth, dates of attendance, participation in officially recognized activities and sports, diplomas and awards received, the present and the most recent previous educational institutions attended. Such directory information may be released (among other forms of release) in school publications, and in media print, electronic and broadcast outlets. In addition, student addresses, email addresses and photographic and/or video images may be released in school publications, or to organizations such as the PTA and PTSA that are deemed by Superintendent to work directly with, and support, the School District schools (collectively, "School Affiliated Groups"). The release of "directory information is subject to the following limitations:
 - a. In no event will "directory information" be released if the School District determines that the information will be used for commercial or fundraising purposes. Provided, however, directory information released to School Affiliated Groups may be used for fundraising purposes.
 - b. A parent/guardian or eligible student may notify the School District that he/she does not consent to the release of "directory information." Such a notice must be sent in writing to the Director of K-12 Curriculum and Instructional Technology, Edgemont Jr./Sr. High School, 200 White Oak Lane, Scarsdale, New York 10583 within 15 days after the first day of instruction in any school year (the "Opt Out Period"). The request will be effective through the academic year and must be renewed annually.
 - c. The School District will try not to release directory information prior to the expiration of the Opt Out Period provided, however, that the School District may release, at any time, directory information: (i) that previously was disclosed; (ii) that was the subject of a prior disclosure authorization; and/or (iii) to a School Affiliated Group that will not publish an individual's information without affirmative consent of the individual or his/her parent/guardian.
 4. (a) A parent or eligible student may ask the School District to correct (amend) any part of the student's education record that is believed to be inaccurate, misleading or in violation of the student's rights. Such requests should be addressed in the first instance in writing to the Principal of the school the student currently attends, should clearly identify the portion(s) of the record that is requested to be changed, and should specify why the record is believed to be inaccurate, misleading or in violation of the student's rights.
 - (b) In case of disagreement with the School District as to the appropriateness of an education record as to which a correction has been requested, the parent or eligible student will be notified of the School District's decision and of the right to a request a hearing by sending a written request to the School District addressed to the Assistant Superintendent, at 300 White Oak Lane, Scarsdale, New York 10583.
- Upon receipt of such a request, the School District will furnish additional information regarding the hearing procedures.
5. A parent or eligible student may also file a complaint with the United States Department of Education if he or she believes that the School District has violated the Family Educational Rights and Privacy Act with respect to his or her record. Complaints should be addressed as follows:

U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

6. School systems periodically receive requests from the United States Armed Forces, pursuant to the "No Child Left Behind Act of 2001," for the names, addresses and telephone numbers of 11th and 12th grade students so that branches of the military can send students information about education, technical training and financial benefits available upon enlistment in the military. The School District will provide such information in response to such requests unless the parent or eligible student withholds consent to such release. To withhold consent, a parent or eligible student should send a notice to that effect in writing to the Director of K-12 Curriculum and Instructional Technology, at 200 White Oak Lane, Scarsdale, New York 10583, within 30 days after the first day of instruction in any school year. The request will be effective through the academic year and must be renewed annually.

7. The School District is required by law to give military recruiters the same access to secondary school students as is provided to postsecondary institutions and prospective employers.

B. Utilization of and Consent to Surveys and Examinations or Screenings

Administered to Students (Protection of Pupil Rights Amendment)

Questionnaires, surveys and physical examinations and/or screenings are not administered to students without prior notice to parents, and with an opportunity to parents and eligible students to grant or withhold consent to such administration. The School District is required by federal law to inform parents and eligible students about the requirements applicable to all public school systems with regard to such activities, and also with respect to certain physical examinations and/or screenings.

1. Parents and eligible students are entitled to receive notice and the opportunity either to consent or "opt out" ² of any survey (and, upon request to inspect any such survey instrument) if the survey includes any of the following eight areas of "protected information" ³ :

- The political affiliations or beliefs of the student or the student's parent(s);
- Mental or psychological problems of the student or of the student's family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating or demeaning behavior;
- Critical appraisals of others with whom survey subjects have close family relationships;
- Legally-recognized privileged relationships, such as with lawyers, doctors or religious leaders (ministers, rabbis, priests, imams, and similar persons);
- The religious practices, affiliations or beliefs of the student or the student's parent(s); and
- Income information, other than as may be required to determine eligibility for a School District or other public program.

2. Parents and eligible students have the rights (a) to inspect upon request, and (b) to "opt out" of participation by a student in a survey that collects "personal information" (including such items as a student's or parent's first and last name, address, telephone number or Social Security number), if such information will be used for marketing or selling the information so collected, or will be provided to others for that purpose. However, these inspection and "opt-out" rights do *not* apply to the collection, disclosure or use of "personal information" from students for the exclusive purpose of developing, evaluating or providing educational products or services for or to students or educational institutions.⁴

3. Parents and eligible students have the rights (a) to be notified of, and (b) to "opt out" of any non-emergency, invasive physical examination⁵ or screening that is: (i) required as a condition of school attendance, (ii) administered by a public school and scheduled by the school in advance, and (iii) is not necessary to protect the immediate health and safety of the student, or of other students. However, this "opt-out" right does *not* apply to physical examinations or screenings that are required or permitted by New York State law, such as mandatory vaccinations and regular physical examinations of students.

4. Parents and eligible students are entitled 4. to inspect, upon request and before administration or use, (a) protected information surveys of students; (b) instruments used to collect personal information from students for marketing, sales, or other distribution purposes as described above; and (c) instructional material used as part of the educational curriculum.

5. A parent or eligible student may also file a complaint with the United States Department of Education if he or she believes that the School District has violated the Protection of Pupil Rights Amendment with respect to him or her. Complaints should be addressed as follows:

U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

Revised Policy Presented: April 23, 2013

Public Hearing: May 14, 2013

Revised Policy Adopted: May 28, 2013

Additionally Revised Policy Presented: October 27, 2015

Second Hearing: November 10, 2015

Additionally Revised Policy Adopted: November 24, 2015

Edgemont Union Free School District

1.

An "eligible student" is a student or former student who has reached the age of eighteen or is attending a post-secondary school or is legally emancipated.

2.

If the survey is funded in whole or in part by the United States Department of Education, then consent must be obtained before a student is required to submit to a survey. Even if the survey is not so funded, notice of the survey and an opportunity to opt out of participation must be provided.

3.

Federal law makes a distinction between surveys of "protected information" that are funded in whole or in part by the United States Department of Education (in which case the prior consent of parents and eligible students must be obtained) and surveys of "protected information" that are funded from other sources (in which case an "opt-out" opportunity must be provided).

4.

This exception includes the following types of uses: disclosure to colleges, post-secondary educational institutions and military recruiters; book clubs, magazines and programs providing access to low-cost literacy products; curriculum and instructional materials used by elementary or secondary schools; tests and assessments used by elementary or secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students; the sale by students of products or services to raise funds for school-related or education-related activities; and student recognition programs.

5.

An "invasive physical examination" is a medical examination that involves the exposure of private body parts, or that includes an incision, insertion or injection into the body. Hearing, vision and scoliosis screening is not considered to be "invasive."