

STUDENT RECORDS

I. Confidentiality of and Access to Student Records

The TVHS Operating Board recognizes the legal requirement to maintain the confidentiality of student records. The procedures adopted by TVHS for the confidentiality of, and access to, student records shall be consistent with State and federal laws, including the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations and the Regulations of the Commissioner of Education.

The District Superintendents shall be responsible for ensuring that TVHS complies with all requirements under State and federal laws applicable to student records.

II. Annual Notification

At the beginning of each school year, TVHS shall send a notice to parents¹ and to students who are eighteen years of age or older (“Eligible Students”) concerning their rights under FERPA and this Policy (“Annual FERPA Notice”). The Annual FERPA Notice may be included in student handbooks or distributed by any other reasonable means.

The Annual FERPA Notice shall inform parents and Eligible Students that they have the right to: (1) inspect and review the student’s education records; (2) seek amendment of the student’s education records if the parent or Eligible Student believes such records to be inaccurate, misleading or otherwise in violation of the student’s privacy rights; (3) consent to the disclosure of personally identifiable information contained in the student’s education records, except to the extent FERPA authorizes disclosure without consent; and (4) file a complaint with the U.S. Department of Education concerning the alleged failures of the District to comply with the requirements of FERPA. In addition, the Annual FERPA Notice shall include: (1) the procedure for exercising the right to inspect and review education records; (2) the procedure for requesting amendment of education records; and (3) a list of “school officials” who may have a “legitimate educational interest” in student records and may thus have access to student records without prior parental consent. TVHS shall provide a translation of the Annual FERPA Notice for those parents who have a primary or home language other than English.

¹ “Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

For the purposes of this Policy, a “school official” is a person employed by TVHS or a student’s home school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel), a member of the Board, a person or company with whom TVHS has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist), or a parent or student serving on an official committee (such as a committee on special education or a disciplinary or grievance committee) or assisting another school official performing his or her tasks. A school official has a “legitimate educational interest” if the official needs to review a student record in order to fulfill his or her professional responsibilities. TVHS also discloses education records without consent to officials of the student’s home school district and without prior notification to parents or eligible students.

III. Directory Information

TVHS may release directory information² to the extent authorized by law. The applicable rules governing the release of student directory information shall apply equally to military recruiters, the media, colleges and universities and prospective employers. Parents will, however, be provided annually with an opportunity to refuse in writing to the disclosure of their child’s directory information to a military recruiter or institution of higher education.

IV. Rights of Separated or Divorced Parents

TVHS shall give full rights to either parent of a student under this Policy, unless it has been provided with a court order directing that such parent’s rights under this Policy have been revoked.

V. Rights of Students

When a student becomes an Eligible Student, the rights accorded to a parent under this Policy will be accorded equally to the student.

² “Directory information” means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed (e.g., student’s name, address, grade level).

VI. Rights of Students with Disabilities

The Board acknowledges that the Individuals with Disabilities Education Act (IDEA) and the Regulations of the Commissioner of Education require the protection of the privacy and records of students with disabilities. Personally identifiable information concerning a special education student shall not be disclosed or released except as required or permitted by law. The District Superintendent shall ensure that TVHS complies with all requirements under State and federal laws applicable to the records of students with disabilities.

VII. Charging a Fee for Education Records

TVHS may charge a fee for a copy of an education record provided to a parent or Eligible Student, unless the imposition of such fee effectively prevents the parent or Eligible Student from exercising their right to inspect and review the education record.

TVHS may not charge a fee to search for or to retrieve the education records of a student.

VIII. Retention and Disposition of Student Records

The Operating Board adopts the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the N.Y. Arts and Cultural Affairs Law, which contains the legal minimum retention periods for school district records. The Board directs all TVHS school officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records.

IX. Administrative Regulations

The District Superintendents shall establish and implement administrative regulations consistent with this Policy and applicable State and federal laws governing student records.

ADOPTED:

References:

Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99

20 USC §7908 (Military Recruiter Access)

Education Law, §§ 2-a; 2-b; 2-c; 2-d; 225

Arts and Cultural Affairs Law, Art. 57-A

8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

STUDENT RECORDS REGULATIONS

I. Notices to Staff Members

TVHS staff with access to student records shall be provided with a copy of the TVHS Policy on Student Records and these implementing regulations. Appropriate staff shall also be provided with:

- A list of students for whom TVHS must obtain prior written consent of the parent, guardian or eligible student before any directory information relating to such student is released; and
- A list of students whose name, address and telephone number may not be disclosed to military recruiters.

II. Requests for Access to Student Records

No staff member may release any student records except in accordance with law and TVHS policy. Any requests for access to or copies of student records, including academic records, disciplinary records, medical records or any other information collected or maintained by TVHS regarding an individual student, shall be directed to the Questar building principal or Questar program administrator. Any questions regarding whether a record may be released should be directed to the Questar building principal or Questar program administrator, who shall respond in a timely manner.

III. Notices to Parents and Eligible Students

TVHS shall provide the Annual FERPA Notice and the Directory Information Notice to all parents and eligible students at the start of each school year in the form provided in these regulations. The notices may be included in the student handbook, distributed through direct mailings or by any other reasonable means.

IV. Written Direction not to Disclose Directory Information

The following information is designated “directory information” that may be disclosed without written consent of the parent/guardian or eligible student, unless the parent/guardian or eligible student has properly advised TVHS that such information should not be disclosed:

- Student's name
- Participation in officially recognized activities
- Address
- Telephone listing
- Photograph
- Degrees, honors, and awards received
- Date and place of birth
- Home school district
- Dates of attendance at TVHS
- Grade level
- Field(s) of study

To advise TVHS that either directory information on a student should not be disclosed without prior written consent, and/or that a student's name, address and telephone number should not be disclosed to military recruiters without prior written consent, the parent or eligible student *must notify the TVHS building principal, in writing*, by September 20 of the school year or, for students enrolling at TVHS after the start of the school year, within 15 days of enrollment.

The building principal shall maintain and distribute, in accordance with subdivision I of these regulations, a current list of all students for whom directory information and/or military recruitment information may not be disclosed without prior written consent. Such lists also shall be transmitted promptly to the TVHS program administrator.

V. Certain Materials not to be Considered Student Records

Certain materials are not considered to be student records that must be disclosed to parents or eligible students. Included in these are "records of instructional, supervisory, administrative, and ancillary educational personnel which are in the sole possession of the maker and which are not accessible or revealed to anyone else, except a substitute" as provided in FERPA (20 U.S.C. §1232(g)(a)(4)(B)(i); 34 C.F.R. §99.3). This exception could include personal notes made by TVHS staff, so long as they are not accessible to others or revealed to anyone other than a substitute. Any question regarding whether a record is a student record that must be disclosed to parents or an eligible student should be directed to the school attorney.

PAGE 3

VI. Data Analysis

TVHS occasionally analyzes data relating to districts' student achievement, including, but not limited to, analyses of testing results. To the extent that TVHS staff are assisting and consulting with district staff members in order to gather, analyze and understand their students' achievements, TVHS staff may have access to personally identifiable student information specifically related to such data analysis. TVHS staff members shall be cognizant, however, of their responsibilities to maintain such information in confidence and in accordance with policies of the school districts being served. In the event data is utilized to demonstrate regional or statewide trends or for any other purpose before persons who are not school district staff of such students, such data shall in all instances be purged of personally identifiable student information.

**ANNUAL NOTICE TO PARENTS AND ELIGIBLE STUDENTS
AND NOTICE REGARDING DIRECTORY INFORMATION
UNDER THE FEDERAL EDUCATION RIGHTS AND PRIVACY ACT (FERPA)**

The Family Education Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are

1. The right to inspect and review the student’s education records within 45 days of the day the school receives a request for access. Parents or eligible students must submit to the TVHS principal a written request that identifies the record(s) they wish to inspect. The principal 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 or misleading. Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the TVHS principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school 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.
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. For example, student records may be disclosed to school officials with legitimate educational interests without consent of the parent or eligible student. A school official is a person employed by TVHS or the student’s 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 Board of Education; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); 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. TVHS also discloses education records without consent to officials of the student’s home school district and without prior notification to parents or eligible students.

PAGE 2

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA: Family Policy Compliance Office, U.S. DOE, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.
5. TVHS has designated the following information as “directory information” as recognized under FERPA:
 - Student’s name
 - Participation in officially recognized activities
 - Photograph
 - Degrees, honors, and awards received
 - Home school district
 - Dates of attendance at TVHS
 - Grade level
 - Field(s) of study

Social security numbers or other personally identifiable information will not be considered directory information.

The school may disclose appropriately designated “directory information” without written consent of the parent or eligible student, unless the parent or eligible student has properly advised the school that such information should not be disclosed.

Directory information also may be disclosed to outside organizations without consent of the parent or eligible student. The school will be required to disclose the name, address and telephone number of students to military recruiters, unless the parent or eligible student has properly advised the school that they do not want the student’s information disclosed without prior written approval.

To advise the school that either directory information on a student should not be disclosed without prior written consent, and/or that a student’s name, address and telephone number should not be disclosed to military recruiters without prior written consent, the parent or eligible student *must notify the TVHS building principal, in writing*, by September 20 of the school year or, for students enrolling at TVHS after the start of the school year, within 15 days of enrollment.

LETTER TO PARENTS/GUARDIANS – WITHOLDING STUDENT INFORMATION FROM MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING

[Date]

Dear Parent(s) or Guardian(s):

The “No Child Left Behind Act” requires TVHS to provide access to junior and senior students’ names, addresses, and telephone numbers, upon request by military recruiters and institutions of higher learning. This list of students’ names will be used specifically for armed services recruiting processes, and college admissions/scholarship information.

The exception to this requirement is if parents request that we not forward this information to the military recruiters and/or institutions of higher learning. If you do not want TVHS to release your child’s name, address, and telephone number, please complete the form below and forward it to _____ (building principal) _____. If we do not receive this form with a postmark of _____ (date), we will assume that you have no objection to the release of such information.

If you have any questions regarding this process, please contact me at _____.

Sincerely,

[Name]

[Title]

_____ I do not want TVHS to release my child’s name, address, and telephone number to any military recruiters.

_____ I do not want TVHS to release my child’s name, address, and telephone number to any institutions of higher education.

Student Name (print) _____ Grade _____

Parent Name (print) _____

Parent Signature _____