

ERIE 1 BOCES
ANNUAL NOTIFICATION OF RIGHTS UNDER FERPA FORM

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over eighteen (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 maintained by Erie 1 BOCES within forty-five (45) days of the day Erie 1 BOCES receives a request for access.
 - Parents or eligible students should submit to the Building Principal/Program Supervisor a written request that identifies the record(s) they wish to inspect. The Building Principal/Program Supervisor 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 students' education records maintained by Erie 1 BOCES 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 maintained by Erie 1 BOCES should write to the Building Principal/Program Supervisor, clearly identifying the part of the record they want changed, and specify why it is inaccurate, misleading or an invasion of privacy.
 - If Erie 1 BOCES decides not to amend the record as requested by the parent or eligible student, it 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 by Erie 1 BOCES of personally identifiable information contained in the students' education records, except to the extent that FERPA authorizes disclosure without consent (see below for examples of exceptions).
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Erie 1 BOCES to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:
 - Family 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 (Personally Identifiable Information) from students' education records, without consent of the parent or eligible student, if the disclosure is:

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 is:
 - A person employed by or under contract with Erie 1 BOCES as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel)
 - A person serving on the Erie 1 BOCES Board of Education
 - A person or company with whom Erie 1 BOCES has outsourced services or functions it would otherwise use its own employees to perform and who is under the direct control of the BOCES with respect to the use and maintenance of PII from education records (such as an attorney, auditor, medical consultant, therapist or BOCES' insurance carrier)

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- 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 to fulfill his or her professional responsibility.
- 2. To officials of another school or school district
 - Upon request, Erie 1 BOCES discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.
- 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 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.
- 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.
- 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.
- 6. To organizations conducting studies for, or on behalf of, the school, in order to:
 - Develop, validate, or administer predictive tests
 - Administer student aid programs
 - Improve instruction
- 7. To accrediting organizations to carry out their accrediting functions.
- 8. To parents of an eligible student if the student is a dependent for IRS tax purposes.
- 9. Based on a subpoena in which a court orders, for good cause shown, that the disclosure should not be revealed. Disclosures may also be made without notification to comply with a judicial order or lawfully issued subpoena, in cases involving child abuse or neglect or dependency matters.
- 10. To an agency caseworker or other representative of a state or local child welfare agency, who is legally responsible for the care and protection of the student (foster care).
- 11. To appropriate officials in connection with a health or safety emergency.
- 12. Information the school has designated as "directory information."

Should you wish additional information about other circumstances in which FERPA allows for the disclosure of education records without consent, please contact the Building Principal/Program Supervisor.