


VANDERHEYDEN, INC.

Policy and Procedure

	Effective Date: 7/7/16	Last revision 3/1/2024	Page 1 of 4	Policy Number VOL. II Education
	Board Approval Date: 7/7/16	Title: Confidentiality of Student Records		

I. BACKGROUND

The purpose of this policy is to promote a legally consistent and appropriate policy for parent and student rights of confidentiality and access concerning student records.

This document includes guidelines and information on policies, procedures and practices to ensure the confidentiality of student records. To include IDEA, FERPA and retention and disposal of student records upon discharge or following the appropriate time frame indicated by the State Education Department.

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a federal law establishing an array of confidentiality rights for students and families. This law is required to be upheld by all school employees. There are significant sanctions and penalties that can be imposed for violating this law. In fact, one of the conditions for receiving federal funds requires procedures and adherence to FERPA. The Individuals with Disabilities Education Act (IDEA PL 105-17) is another federal law that protects the privacy of student records was most recently amended in 2004. Supplemental regulations were published in 2008 and final Part B regulations were included in 2006 to include confidentiality requirements. Section 617(c) of the IDEA requires the Secretary of Education to take appropriate action, in accordance with FERPA, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State educational agencies, or SEAs, and local education agencies, or LEAs, under Part B of the IDEA. It further states that parents and children are afforded this right including the right to written notice of, and written consent to, the exchange of any information among agencies, consistent with Federal and State laws.

II. POLICY


Vanderheyden complies with all Federal and State laws regarding confidentiality of records and information. All student records are stored and kept confidential and are destroyed according to the procedures directed by law.

III. PROCEDURES

1. There are important limits to FERPA that permit the following:
 - Disclosure to school officials who have been determined to have legitimate educational interests as specified under the rules of FERPA.
 - The information is designated as directory information by the school.
 - Disclosure is pursuant to a lawfully issued court order or subpoena.
 - The student is enrolling in another school and information needs to be shared.

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- Disclosure to local or state educational authorities auditing or enforcing federal or state programs.
- Disclosure to the parents of a student who is a dependent and not of emancipated age.
- Limits would also exist where life threatening or criminal activities are divulged, such as; suicide threats, drug and alcohol use on campus, and abuse.


2. **School Record** – Any written or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. Vanderheyden follows the NYS School & Student Records Retention and Disposal Schedule ED-1 regarding what is to be included in a permanent record. In the context of New York State Public Schools, the Student Record can be a document such as the Registration Card or several documents within a folder such as the Student Health Folder (Medical Record) and the Special Education Folder and the Student Temporary “Cumulative” Folder.

3. **Student Permanent Record** – The minimum personal information necessary for use by a school in the education of the student and contained in a school student record. Such information may include the student’s name, birth date, address, grades and grade level, parent(s)’ names and addresses, attendance records, and such other entries as the State Board may require or authorize. The NYS Education Department further defines a “Student Permanent Record” as consisting of the basis identifying information listed above plus the student’s birth place, and gender; academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations; attendance records; accident reports and health record. The permanent record may also include honors and awards received; and information concerning participation in school sponsored activities or athletics, or offices held in school-sponsored organizations.

4. New York State Public Schools will inform parent(s) of their rights under the Family Educational Rights and Privacy Act and the individuals with Disabilities Education Act by giving a copy of this information to the family upon the initial enrollment of the student and annually thereafter.

5. **Access to Records** – In keeping with the requirements of FERPA, only certain individuals, in addition to yourself as the parent, may have access to your child’s records. These individuals may include, for example, teachers or administrators of the school or state who have legitimate interest in the records. The school or other participating agency is obligated to keep a record of all interested parties who have accessed your child’s educational records that are collected, maintained, or used under

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Part B of IDEA 9with the exception of parents and authorized employees of the agency). This record must include the name of the person who had access to the child’s records, the date, and the purpose for which the person was authorized to use the records.

6. **Right to Inspect Records** – IDEA guarantees you, as parents, the right to inspect and review any educational record of your child that the school system (or other participating agency) collects, maintains, or uses with respect to the identification, evaluation, and education placement of your child, and the provision of FAPE (a free appropriate public education) to your child.

a. Here are the specifics of IDEA’s regulation:

i. ***Parent Rights***


1. Parents can inspect and review educational records with respect to their child’s evaluation.
2. Parents can request explanations and interpretations of the records. [§300.501(a)]
3. Parents can request copies of the records if not receiving copies would effectively prevent the parents from exercising their right to inspect and review those records. [§300.613(b)(3)]

ii. ***School’s Right and Responsibilities***

1. Schools must comply with a parent’s request to inspect and review records without unnecessary delay before any meeting – regarding an IEP, a hearing or resolution session, and in no case more than 45 days after the request has been made. [§300.613(a)]
2. Schools must respond to reasonable requests for explanations and interpretations of the records. [§300.613(b)(1)]
3. Schools can charge a fee for copies of records made for parents, if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. [§300.617(a)]
4. Schools may not charge a fee for searching for, or retrieving, a child’s records for parents. [§300.617(b)]

7. All rights and privileges accorded parent(s) in this policy shall become exclusively those of the student upon the student’s 18th birthday, graduation from secondary school, marriage, entry into the military, whichever occurs first, unless the parent or the Department of Children and Family Services continues as the student’s guardian beyond the age of 18. Pursuant to the Mental Health and Developmental Disabilities Confidentiality Act,

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a parent may not have access to mental health or diagnostic records of his or her child if the child is 12 years of age or older without a court order unless the child has been informed of the request for access and does not object or if the mental health professional finds no compelling reason for denying such access.

8. Parent(s) shall have the right to challenge the accuracy, relevance or propriety of any entry in the school student records, exclusive of the academic grades of their child and references to expulsions or out-of-school suspensions. Parent(s) shall have an opportunity for a hearing to challenge the content of their child's school records, to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein.

9. Before any student record is destroyed or information deleted therefrom, the parent shall be given reasonable prior notice and an opportunity to copy the record/information proposed to be destroyed or deleted. Parent(s) shall have the right to insert a statement of reasonable length in their child's school student record setting forth their position on disputed information contained in that record. A copy of that statement shall be included in any subsequent dissemination of the information in dispute.

10. No parent or student shall be denied a copy of school student records due to their inability to bear the cost of such copying.

IV. REFERENCES

1. Family Educational Rights and Privacy Act (FERPA) 1974
2. Individuals with Disabilities Education Act (IDEA PL 105-17, Section 617c)
3. NYS School & Student Records Retention and Disposal Schedule ED-1
4. Free Appropriate Public Education (FAPE)
5. Mental Health and Developmental Disabilities Confidentiality Act



Karen Carpenter Palumbo
President & CEO



Date