

November 2009

ORLEANS/NIAGARA BOCES STATEMENT PERTAINING TO STUDENT RECORDS

This statement on behalf of the Orleans/Niagara Board of Cooperative Educational Services (hereinafter sometimes referred to as “Orleans/Niagara BOCES” or “the BOCES”) is to advise you of your rights with respect to education records pursuant to the Federal Family Educational Rights and Privacy Act.

Parents of a student under 18 years of age, or students 18 years of age or older, have the right to inspect and review any and all official records, files, and data directly related to their children or themselves, including all material that is incorporated into each student’s cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

A parent of a student under 18 years of age or a student 18 years of age or older may make a request for access to that student’s school records, in writing, to the program supervisor or coordinator. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in any case, not more than 45 days after the request has been received.

If information contained in the student’s record is believed to be inaccurate or misleading, the parent or eligible student should write to the supervisor or coordinator, clearly identifying the part of the record he or she wants changed, and specify why it is inaccurate or misleading. If the BOCES does not amend the record as requested, the parent or eligible student will be notified of the decision and advised of his or her right to a hearing regarding the request for amendment.

Student records, and any material contained therein which is personally identifying, are confidential and generally may not be released or made available to persons other than parent or student without the written consent of such parent or student. There are a number of exceptions to that rule, including but not limited to exceptions that authorize (and will prompt Orleans/Niagara BOCES to make) disclosures of such records and/or information: To Orleans/Niagara BOCES employees and/or officials who are determined to have legitimate educational interests; to representatives of other schools, school systems, and/or institutions of postsecondary education in which the student is enrolled and/or in which the student seeks or intends to enroll; and certain state and federal officials who have a legitimate need for access to such records in the course of their business; in case of a health or safety emergency, to the extent authorized by law; and in response to a court order or lawfully issued subpoena, to the extent authorized by law.

Regarding the exception that permits the Orleans/Niagara BOCES to disclose education records (without consent) to school employees and/or officials with legitimate educational interests, a school employee or official includes: A person employed by Orleans/Niagara BOCES as an administrator, supervisor, instructor, or support staff member (including but not limited to health or medical staff and/or law enforcement unit personnel); a person serving on the Orleans/Niagara Board of Cooperative Educational Services; a person or company (including but not limited to an attorney, auditor, medical consultant, or therapist) to whom the BOCES has outsourced services or functions that it would otherwise assign its employees to perform; a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school employee or official in performing his or her tasks. A school employee or official has a legitimate educational interest if the employee or official needs access to an education record in order to fulfill his or her professional responsibility.

Orleans/Niagara BOCES may routinely disclose designated directory information without written consent, unless you have notified the Orleans/Niagara BOCES to the contrary in accordance with Orleans/Niagara BOCES procedures. One purpose of directory information is to allow the Orleans/Niagara BOCES to include this type of information from your child's education records in certain school publications including but not limited to newsletters, articles, calendars, etc.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside persons and organizations without a parent's prior written consent. Outside organizations include, but are not limited to, news media, military personnel, and police and law enforcement agencies. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want Orleans/Niagara BOCES to disclose directory information from your education records (or those of your child) without your prior written consent, you must notify the Orleans/Niagara BOCES in writing by no later than the tenth (10th) day of instruction. Please send your written request to: Labor Relations Office, Orleans/Niagara BOCES, 4232 Shelby Basin Road, Medina, NY 14103. Orleans/Niagara BOCES has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended

To the extent that FERPA authorizes the creation of a "law enforcement unit" that may include the designation of individuals, offices or other components to act in such capacity, Orleans/Niagara BOCES elects to maintain a law enforcement unit as provided for under FERPA and the BOCES intends that the records of the law enforcement unit be maintained separately from students' education records and thereby be exempt from FERPA confidentiality and non-disclosure requirements that apply to education records. Therefore, under Orleans/Niagara BOCES policy, the following offices are authorized and designated as the BOCES' law enforcement unit with authority to carry out the activities of a law enforcement unit (including enforcement of law, referral of matters to law enforcement authorities, and maintenance of physical security and safety of the BOCES).

Niagara County Sheriff's Department (including designated school resource officer)
Office of the Director of Labor Relations
Office of the Director of Career and Technical Education
Office of the Director of Special Education
Office of the Director of Business Services

Images of students captured on security videotapes are considered records of the Orleans/Niagara BOCES law enforcement unit, and such videotapes and the images captured thereon are not considered education records under FERPA. Accordingly, those videotapes may be shared with law enforcement authorities or others as deemed appropriate by the Orleans/Niagara BOCES.

A parent or eligible student may file a written complaint with the United States Education Department regarding an alleged violation of the Family Educational Rights and Privacy Act. The Office's address is: Family Policy Compliance Office, United States Department of Education, Washington, D.C., 20202-4605.