



Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA defines the term "education records" broadly to include all records, files, documents, and other materials, such as films, tapes, or photographs, containing information directly related to a student that the School at Springbrook or a person acting on behalf of the School at Springbrook maintains. For example, education records include information that the school maintains on students in report cards, surveys and assessments, health unit records, special education records, and correspondence between the school and other entities regarding students. Education records also include information that the school maintains about parents.

FERPA gives parents/legal guardians certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are considered "eligible students."

Parents, legal guardians or eligible students have the right to inspect and review the student's education records maintained by the School at Springbrook. The School at Springbrook is not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. The School at Springbrook may charge a fee for copies.

Parents, legal guardians or eligible students have the right to request that the School at Springbrook amend records which they believe to be inaccurate or misleading. If the School at Springbrook decides not to amend the record, the parent, legal guardian or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent, legal guardian or eligible student has the right to place a statement within the record setting forth his or her view about the contested information.

Generally, the School at Springbrook must have written permission from the parent, legal guardian or eligible student in order to release any information from a student's education record. However, FERPA allows the School at Springbrook to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- **School officials with legitimate educational interest;**
- **Other schools to which a student is transferring;**
- **Specified officials for audit or evaluation purposes;**
- **Appropriate parties in connection with financial aid to a student;**
- **Organizations conducting certain studies for or on behalf of the school;**
- **Accrediting organizations;**
- **To comply with a judicial order or lawfully issued subpoena;**
- **Appropriate officials in cases of health and safety emergencies; and**
- **State and local authorities, within a juvenile justice system, pursuant to specific State law.**

The School at Springbrook may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards and dates of attendance. However, Springbrook must tell parents, legal guardians and eligible students about directory information and allow parents, legal guardians and eligible students a reasonable amount of time to request that the school not disclose directory information about them. The School at Springbrook will notify parents, legal guardians and eligible students annually of their rights under FERPA. The means of notification (special letter, inclusion in a school newsletter, student handbook, or newspaper article) is left to the discretion of the School at Springbrook.

General Information

FERPA is a Federal law that applies to educational agencies and institutions that receive funding under a program administered by the U. S. Department of Education. The statute is found at 20 U.S.C. § 1232g and the Department's regulations are found at 34 CFR Part 99.

Under FERPA, schools must generally afford parents, legal guardians and students who are 18 years or over, or attending a postsecondary institution:

- **access to their education records**
- **an opportunity to seek to have the records amended**
- **some control over the disclosure of information from the records.**

The School at Springbrook is required by FERPA to:

- **provide a student, parent or legal guardian with an opportunity to inspect and review his or her education records within 45 days of the receipt of a request**

- **provide a student, parent or legal guardian with copies of education records or otherwise make the records available to the student if the student, for instance, lives outside of commuting distance of the school**
- **redact the names and other personally identifiable information about other students that may be included in the student's education records.**

The School at Springbrook is not required by FERPA to:

- **Create or maintain education records;**
- **Provide students, parents of legal guardians with calendars, notices, or other information which does not generally contain information directly related to the student;**
- **Respond to questions about the student.**

Amendment of Education Records

Under FERPA, the School at Springbrook must:

- **Consider a request from a student, parent or legal guardian to amend inaccurate or misleading information in the student's education records;**
- **Offer the student, parent or legal guardian a hearing on the matter if it decides not to amend the records in accordance with the request;**
- **Offer the student, parent or legal guardian a right to place a statement to be kept and disclosed with the record if as a result of the hearing the school still decides not to amend the record.**

The School at Springbrook is not required to consider requests for amendment under FERPA that:

- **Seek to change a grade or disciplinary decision;**
- **Seek to change the opinions or reflections of a school official or other person contained in an education record.**

Disclosure of Education Records

The School at Springbrook must:

- **Have a student's, parent's or legal guardian's consent prior to the disclosure of education records;**
- **Ensure that the consent is signed and dated and states the purpose of the disclosure.**

The School at Springbrook may disclose education records without consent when:

- The disclosure is to school officials who have been determined to have legitimate educational interests as set forth in the institution's annual notification of rights to students;
- The student is seeking or intending to enroll in another school;
- The disclosure is to state or local educational authorities auditing or enforcing Federal or State supported education programs or enforcing Federal laws which relate to those programs;
- The disclosure is to the parents of a student who is a dependent for income tax purposes;
- The disclosure is in connection with determining eligibility, amounts, and terms for financial aid or enforcing the terms and conditions of financial aid;
- The disclosure is pursuant to a lawfully issued court order or subpoena; or
- The information disclosed has been appropriately designated as directory information by the school.

Annual Notification

The School at Springbrook will annually notify students in attendance, parents or legal guardians that they may:

- **Inspect and review their education records;**
- **Seek amendment of inaccurate or misleading information in their education records;**
- **Consent to most disclosures of personally identifiable information from education records.**

The annual notice will include:

- **Information for a student, parent or legal guardian to file a complaint of an alleged violation with the FPCO;**
- **A description of who is considered to be a school official and what is considered to be a legitimate educational interest so that information may be shared with that individual; and**
- **Information about who to contact to seek access or amendment of education records.**

Means of notification:

- Can include a special letter; school newsletter; student handbook or newspaper article, or other means reasonable likely to inform students;
- Notification does not have to be made individually to students.

Complaints of Alleged Violations:

Complaints of alleged violations may be addressed to:

**Director of Quality Assurance
Springbrook
5588 NY State Route 7
Oneonta, NY 13820
(607) 353-7272 ext. 2100**

**Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920**

Complaints must:

- **Be submitted in a timely manner, not later than 180 days from the date you learned of the circumstances of the alleged violation**
- **Contain specific allegations of fact giving reasonable cause to believe that a violation has occurred, including:**
 - **Relevant dates, such as the date of a request or a disclosure and the date the student learned of the alleged violation;**
 - **Names and titles of those school officials and other third parties involved;**
 - **A specific description of the education record around which the alleged violation occurred;**
 - **A description of any contact with school officials regarding the matter, including dates and estimated times of telephone calls and/or copies of any correspondence exchanged between the student and the school regarding the matter;**
 - **The name and address of the school, school district, and superintendent of the district;**
 - **Any additional evidence that would be helpful in the consideration of the complaint.**

Recordkeeping Requirements Under the Family Educational Rights and Privacy Act

The School at Springbrook adheres to FERPA record keeping requirements. The School at Springbrook maintains within each student's educational record a record of all individuals, agencies, or organizations that requested or obtained access to the student's education record, specifying the legitimate interest that each party had in obtaining the information. Springbrook educators document all disclosures of information from a student's education record unless the request is from and the disclosure is to one of the following:

- **The parent, legal guardian or eligible student.**
- **A school official within the School at Springbrook.**
- **A party with written consent from the parent, legal guardian or eligible student.**
- **A party seeking directory information.**
- **A party requesting or receiving the records as directed by a Federal grand jury or other law enforcement subpoena when the issuing court or agency has ordered that no one disclose the existence or the contents of the subpoena or the information furnished in response to the subpoena.**

When an authorization is required to grant access to a student's education record, the parent, legal guardian or eligible student shall provide a signed and dated written consent to the School at Springbrook prior to the disclosure of personally identifiable information.

The written consent must:

- **Specify the records that may be disclosed;**
- **State the purpose of the disclosure; and**
- **Identify the party or class of parties to whom the disclosure may be made.**

If a parent, legal guardian or eligible student requests, the School at Springbrook shall provide him or her with a copy of the records disclosed and if the parent or legal guardian of a student who is not an eligible student so requests, the School at Springbrook will provide the student with a copy of the disclosed records. 26

Notice of Privacy Practices Pertaining to FERPA - Annual Notification

The Family Educational Rights and Privacy Act (FERPA) affords parents, legal guardians and students, over 18 years of age ("eligible students"), certain rights with respect to the student's education records. These rights are:

- The right to inspect and review the student's education records. Access to specified education records will be granted within 45 days of the date of the initial, formal request for access. Parents or eligible students should submit to the school principal a written request that specifically 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. This right does not necessarily include the right to make a copy of the records.
- The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading. To make a request parents or eligible students should write the School principal, clearly identify the part of the record they want amended and specify why it is inaccurate or misleading. If the School at Springbrook decides not to amend the record as requested by the parent or eligible student, the principal 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 hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- 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. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School at Springbrook as an administrator, supervisor, instructor or support staff member (including health or medical staff); a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, educational 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. Upon request, the School at Springbrook discloses education records without consent to officials of the school district of origin or officials of other school districts in which a student seeks or intends to enroll. The School at Springbrook may disclose directory information from the education record without prior parental

consent. Directory information includes, but is not limited to, the following data about the student:

Name
Address and telephone
Date and place of birth
Official activities
Dates of attendance (dates of enrollment)
Degrees received
Most recent previous education institution

- The right to consent to the disclosure of directory information, however, the parent or eligible student must inform the school at Springbrook that they do not want this information disclosed without their consent. To request this parents or eligible students should write the school principal and clearly state that directory information may only be released with their prior authorization.
- The right to file a complaint with Springbrook concerning alleged failures by the School at Springbrook to comply with the requirements of FERPA. The name and address of the administrator of FERPA are:

**Director of Quality Assurance
Springbrook
5588 NY State Route 7
Oneonta, NY 13820
(607) 353-7272 ext. 2100**

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School at Springbrook to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901**

Requests for access or amendment of records as well as the right to retain authorization concerning the release of director information may be submitted to the Director of Quality Assurance. The name and address of the office that administers such requests are:

**Director of Quality Assurance
Springbrook
5588 NY State Route 7
Oneonta, NY 13820
(607) 353-7272 ext. 2100**