

Student Records

Content and Custody of Records - Student education records contain, but will not necessarily be limited to, the following information: Identifying data; academic work completed; achievement (grades, standardized achievement test scores); test data; scores on standardized intelligence, aptitude, and personality tests; interest inventory results; health data; family information; teacher and/or counselor reports; and verified serious or recurring behavior patterns.

Student records should contain only factual, responsive and documented information about the child. They should not contain unsubstantiated opinions or language which tends to "label" students.

The Administrative Director is the official custodian of the records of students.

All requests for inspection and review of educational records and requests for copies of student records, as well as disclosure of personally identifiable information, except as provided by law, shall be maintained as a part of each individual's record. A request/inspection record shall be made available to the parent/guardian or eligible student upon requesting in accordance with the following requirements:

Access to Records - A parent/guardian shall have access to the student's education files; however, if the student is 18 years of age or older, the student may inspect his/her own records and his/her records without the permission of the parent/guardian. If the student is under 18 years of age, the permission of the parent/guardian shall be necessary in order for his/her parent/guardian to inspect them, except in the instance where the child is emancipated, is be legally incompetent or the student is a lawful dependent of the parent/guardian.

The Administrative Director may request other confidential personnel to assist in answering any questions parents/guardians may have regarding interpretation of the records.

In all cases where access to student education information is requested, except where otherwise provided by law or this policy, a written request to see the files must be made by the parent/guardian or student.

The Administrative Director, upon receipt of a written request, will provide access to view the records and set a date for the inspection and review. In no case will the date set be less than three working days after the request has been made. The guardian, or student shall examine the student's file in the presence of the Administrative Director or other person(s) as designated.

The record itself shall not be taken from the school. However, upon request, one copy of the records will be provided to the parents/guardian or student at no charge within a reasonable time to the parents/guardian or student at no charge.

Challenge Regarding Material in Records - If the parent or student (18 years of age or older), challenges any part of a record in writing, the Administrative Director should review the record challenged and may in mutual agreement with the parents/guardian destroy or delete or add the information requested. If the Administrative Director does not agree regarding the challenge, the parents/guardian or student (18 years of age or older) may request a hearing, the procedure for which shall be:

1. Requests for hearing shall be presented to the Administrative Director.

2. The hearing shall be held within 45 days after the request. Notice of the date, place and time of the hearing shall be forwarded to the eligible student or parents/guardian by registered mail.

3. The hearing will be conducted by the NWBOCES Board.

4. The parents/guardian or student shall be afforded a fair opportunity to present evidence relevant to the issue. The student may be assisted or represented by individuals at his or her expense, including an attorney. The NWBOCES Board shall make its decision known in writing within 10 days following the conclusion of the hearing. The Administrative Director shall notify the student, parents/guardian of that decision by registered mail, and of their right to place in the records a written statement commenting upon the information in the records and to set forth any reason for disagreement.

5. The decision of the NWBOCES Board shall be based solely on evidence and the reasons for the decision.

6. Any explanation placed in the records shall be a main part of the records as long as the record itself is maintained by NWBOCES. If the records of the student or the contested information are disclosed by the school to any party, the explanation shall be disclosed to that party.

Destruction and Retention of Educational Records

NWBOCES shall inform the parents/guardian or student if the student is older, when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. The information will be destroyed. Notices to parents/guardian will be delivered to the last known address. NWBOCES shall maintain records for seven years after the student's dismissal from the program. It is the responsibility of the student and parents/guardian to keep NWBOCES informed of their current address.

Disclosure to Certain Agencies and Individuals without Written Consent

NWBOCES will disclose personally identifiable information from records of a student without written consent of the parent or guardian, or eligible student only to respond to a lawfully issued subpoena or order:

1. NWBOCES school employees who have a legitimate interest in the information. Personnel permitted access to records will include teachers, Nurse Supervisor, the School Counselor, Social Worker, therapists, the Administrative Director, Program Specialist, Residential Supervisor, and Program Director/Principal. For the purpose of this policy, "legitimate educational interest" is interpreted as meaning the interest of any certificated individual employed with the responsibility for providing educational programs or services or auxiliary services to the individual student.

2. Authorized personnel of the student's home school or the student's Department of Family Services caseworker are authorized to access the student's case plan.

3. Authorities named in the "Family Educational Rights and Privacy Act" and accompanying federal regulations. These include the comptroller general of the United States, Secretary for Education, state education authorities, and authorities investigating emergencies related to the health and safety of students.

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Disclosure of Directory Information

NWBOCES may disclose directory information without consent of the parent, eligible student, or guardian. If an eligible student or guardian has the right to refuse to disclose, a written designation of any or all of the categories of information to be refused is received in writing in the office of the Administrative Director of the school where the student is in attendance prior to September 7, or the following Monday if September 7 is a Saturday or Sunday.

Directory information which may be released may include a student's name, date and place of birth, major field of study, participation in officially recognized activities and sports, and height of members of athletic teams, dates of attendance and awards received, the most recent and previous educational institution attended by the student, and other similar information.

Annual Notification of Rights

NWBOCES, at the beginning of each year, will notify the parent or guardian of each child at NWBOCES and eligible students of their rights to inspect their records and of the Board policy regarding student records.

Copies of this policy and the accompanying regulations are available at the NWBOCES administration office.

Legal Reference

Family Educational Rights and Privacy Act of 1974 (PL 94-142, Fed. Reg. 9062 (3/2/76); Federal Register, Part II, #99.36)