

**BABYLON UNION FREE SCHOOL DISTRICT  
50 RAILROAD AVENUE, BABYLON, NY 11702  
VIA VIDEO CONFERENCE**

**BABYLON SCHOOL BOARD REGULAR BUSINESS MEETING  
REVISED AGENDA  
NOVEMBER 2, 2020**

---

- I. Call to Order - 6:30 p.m.
- II. Executive Session  
It is anticipated that upon a majority vote of the total membership of the Board, a motion to meet in Executive Session to discuss specific collective bargaining, personnel issues, and/or other specific matters appropriate for executive session in accordance with the Open Meeting Law will be considered. Following executive session the Board will reconvene at approximately 7:30 p.m.
- III. Pledge of Allegiance - 7:30 p.m.
- IV. Public Hearing on District Wide Safety Plan 2020-2021
- V. Approval of Minutes of the Regular Business Meeting of October 5, 2020 and Work/Study Meeting of October 19, 2020.
- VI. Approval of Treasurer's and Business Office Financial Reports and Extra Curricular Fund Report for September 2020.
- VII. Superintendent's Report
  - a. News & Updates around the District
- VIII. Committee Reports
  - a. Audit Committee
  - b. Finance Committee
  - c. Buildings & Grounds
  - d. Technology Committee
  - e. Curriculum Committee
  - f. Policy Committee
- IX. New Business
  1. **RESIGNATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the resignation of Joe Arlotta, part-time security guard, effective October 14, 2020, with best wishes in his future endeavors.
  2. **RESIGNATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the resignation of Daniel McHugh, part-time security guard, effective October 14, 2020, with best wishes in his future endeavors.
  3. **RESIGNATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the resignation of Jeff Rhoades, part-time security guard, effective October 14, 2020, with best wishes in his future endeavors.
  4. **LEAVE OF ABSENCE: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves an unpaid childcare leave of absence for Claire Donaldson, science teacher, effective October 26, 2020 to June 30, 2021.
  5. **LEAVE OF ABSENCE: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves an unpaid FMLA for Jessica Kahn, social studies teacher, effective October 13, 2020 to November 9, 2020.
  6. **LEAVE REPLACEMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves Ashley Jones as a science teacher leave replacement effective October 26, 2020 to June 30, 2021. Compensation for this position to be Step1/BA+30 of the 2020-2021 Babylon Teachers' Association Contract prorated. (\$61,314 prorated) Ms. Jones holds an initial certificate in Biology 7-12, General Science 7-12.

7. **LEAVE REPLACEMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves Allison Buser as a social studies teacher leave replacement effective October 13, 2020 to November 9, 2020. Compensation for this position to be Step1/BA of the 2020-2021 Babylon Teachers' Association Contract prorated. (\$56,771 prorated) Ms. Buser holds an initial certificate in Social Studies 5-6 and 7-12.
  
8. **RECALL FROM PREFERRED ELIGIBLE LIST: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education recalls from the preferred eligibility list Elizabeth Losito as an art teacher effective September 1, 2020. Compensation for this assignment to be MA/Step 3 of the 2020-2021 Babylon Teachers Association salary schedule. (\$68,694)
  
9. **PART-TIME CUSTODIAL APPOINTMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the part-time custodial appointment of Pablo Gonzalez effective November 3, 2020 to June 30, 2021. Compensation for this position to be at the part-time custodial rate of pay of \$14.00/hour.
  
10. **PART TIME SECURITY GUARD APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following part-time security guard appointments effective November 4, 2020 to June 30, 2021. Compensation for these positions to be at the security guard hourly rate of pay of \$18.00.  

Deanna Emerson	Jason Schwartz	Daniel Malo
----------------	----------------	-------------
  
11. **SUBSTITUTE AIDE/MONITOR APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following substitute aide/monitor appointments effective November 3, 2020 to June 30, 2021. Compensation for these assignments to be \$13.60/hour.  

Maureen Clancy Fowler	Christine Rosenberg
-----------------------	---------------------
  
12. **CASUAL APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following casual appointments for the 2020-2021 school year. Compensation for these positions to be in accordance with the Babylon Teachers' Association Contract for the 2020-2021 school year:
  - Junior-Senior High School Publications**

Senior Year Book Advisor	Jeff Kenney	(\$6740.00)
School Paper Co-Advisors (Panther Tales)	Keith Fasano	(\$3801.00 split equally)
	Michael Birnbaum	
	Patricia Stork	
Literary Magazine Co-Advisor (Visions)	Keith Fasano	(\$2660.00 split equally)
	Michael Birnbaum	
	Patricia Stork	
Mixed Media Club Co-Advisors(Writers Club)	Keith Fasano	(\$1520.00 split equally)
	Michael Birnbaum	
	Patricia Stork	
  
  - Drama Production**

Production Director	Eddie Storey	(5720.00)
Producer/Technical Director	Elizabeth Losito	(4004.00)
Set Construction	Linda Napolitano	(1520.00)
  
  - Extra-Curricular Music**

Choir - SHS	Eddie Storey	(\$1520.00)
Choir - JHS	Eddie Storey	(\$1520.00)
Band - SHS	Angela Turk	(\$1520.00)
Band - JHS	Charles Leech	(\$1520.00)
Orchestra - SHS	Ashley Tomei	(\$1520.00)
Chamber Orchestra Ensemble	Ashley Tomei	(\$2660.00)
Jazz Band - SHS	Charles Leech	(\$2660.00)
  
  - DECA CLUB**

Head Advisor	Claire Reilly	(\$3801.00)
Assistant Advisor	Eddie Storey	(\$2660.00)

**Junior-Senior High School cont'd**

**Mock Trail**

JH Advisor (2)	Marissa Scholl	(\$3042.00)
	Patrick Metzger	(\$3042.00)

**Robotics Club**

Advisor - SHS	Brian Katz	(\$4561.00)
---------------	------------	-------------

**Science Fair**

Advisor - JSHS	Patrick Donaldson	(\$1520.00)
----------------	-------------------	-------------

**Secretary/Treasurer Athletics**

Robert Andrews	(\$3180.00)
----------------	-------------

**Class Advisors**

Senior Class (2)	Linda Fama	(\$3042.00)
	Jamie Harrison	(\$3042.00)
Junior Class (2)	Paul Venezia	(\$2660.00)
	Frank Mancuso	(\$2660.00)
Sophomore Class Advisors (2)	Jeff Kenney	(\$1710.00)
	Rebecca Olivieri	(\$1710.00)
Freshman Class Advisors (2)	Barbara Small	(\$1520.00)
	Stephanie Greaney	(\$1520.00)

**Student Council**

Advisor - SHS (2)	Linda Fama	(\$3801.00)
	Brooke Carey	(\$3801.00)
Advisor - JHS	Keith Fasano	(\$3042.00)

**Honor Societies**

National Senior (2)	Keith Fasano	(\$1520.00)
	Marissa Scholl	(\$1520.00)
National Junior (2)	Barbara Small	(\$1520.00)
	Stephanie Greaney	(\$1520.00)
National Art	Cheryl Schweider	(\$1520.00)
National Business	Claire Reilly	(\$1520.00)
National English Co-Advisors	Joan Johanson/ Barbara Small	(\$1520.00 split equally)
National French	Melissa Anderson	(\$1520.00)
National Science Co-Advisors	Rich Villanueva/ Andrew Sheltz	(\$1520.00 split equally)
National Spanish	Michelle Scharff	(\$1520.00)
National Thespian	Edward Storey	(\$1520.00)
Tri-M Music Co-Advisors	Angela Turk/ Charles Leech	(\$1520.00 split equally)

**Clubs – Tier 1**

Art Club - SHS	Cheryl Schweider	(\$3042.00)
Art Club - JHS	Pat Stork	(\$2282.00)
Best Buddies (2)	Jamie Harrison	(\$2282.00)
	Cathy Schipf	(\$2282.00)
Leo Club (2)	Lisa Brush	(\$2282.00)
	Michael Birbaum	(\$2282.00)
E Sports Co-Advisors	Michael Birbaum/ Frank Mancuso	(\$2282.00 split equally)

**Clubs - Tier 2**

Chess Club - JSHS	Rich Villanueva	(\$1520.00)
Safe Space	Brooke Carey	(\$1520.00)
Family & Consumer Science Club	Lisa Brush	(\$1520.00)
Sign Language Club	Alessia Olsen	(\$1520.00)
Technology Club	Brian Katz	(\$1520.00)
World Language Club – SHS	Melissa Anderson	(\$1520.00)
World Language Club - JHS	Rebecca Olivieri	(\$1520.00)

13. **DRIVER EDUCATION INSTRUCTOR: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves Chris Morra as the Driver Education instructor to finish the course for the Spring 2020 students. Compensation for this assignment to be \$2,000. Mr. Morra holds a Driver Education Teacher Certificate.
  
14. **APPROPRIATION TRANSFERS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following appropriation transfers for the 2020-2021 school year:
  1. From: A 2110.1300-01-000 Tch/Reg Sch-Inst 7-12 (38,800.00)  
To: A 2010.1504-01-000 Curr Develop/Supv-Directors 24,200.00  
To: A 2810.1507-01-000 Guidance-Instr Sal 14,600.00  
This transfer is necessary due to COVID related summer work.
  
  2. From: A 2110.1283-02-000 Tch/Reg Sch-Career Incr (24,100.00)  
To: A 2110.1200-02-000 Tch/Reg Sch Inst 3-6 24,100.00  
This transfer is necessary due to COVID related teaching expenditures.
  
  3. From: A 2110.1283-03-000 Tch/Reg Sch-Career Incr (12,800.00)  
To: A 2110.1200-02-000 Tch/Reg Sch Inst K-2 12,800.00  
This transfer is necessary due to COVID related teaching expenditures.
  
  4. From: A 2110.1300-01-000 Tch/Reg Sch-Inst 7-12 (12,800.00)  
To: A 2805.1507-00-000 Attendance-Instr Sal 12,800.00  
This transfer is necessary due to summer days.
  
15. **MINIMUM WAGE INCREASE: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby establishes the increase for substitute food service workers, substitute aides/monitors and substitute custodians from \$13.00/hour to \$14.00/hour effective December 31, 2020 in accordance with the Minimum Wage Act (Article 19 of the NYS Labor Law).
  
16. **APPROVAL OF EXTERNAL AUDIT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts and approves the Independent Audit of the Babylon Union Free School District as prepared by the external auditing firm of Cullen & Danowski, LLP for the 2019-2020 school year.
  
17. **APPROVAL OF INTERNAL AUDIT REPORT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts and approves the Internal Audit Report, Annual Risk Assessment Update Pertaining to the Internal Controls of District Operations as prepared by Nawrocki Smith, LLP for the 2019-2020 school year.
  
18. **APPROVAL OF EXTERNAL AUDIT CORRECTIVE ACTION PLAN (CAP): RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts and approves the Corrective Action Plan for the Independent External Audit Prepared for the 2019-2020 school year.
  
19. **APPROVAL OF INTERNAL AUDIT CORRECTIVE ACTION PLAN (CAP): RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts and approves the Independent Audit Corrective Action Plan for the Independent Audit Prepared for the 2019-2020 school year.
  
20. **SECOND READING POLICY 5500/5500R-STUDENT RECORDS/REGULATON: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education conducts a second reading of policy 5500/5500R-Student Records and Student Records Regulation; and **BE IT FURTHER RESOLVED**, that the Board of Education waives the formal second reading of policy 5500/5500R-Student Records and Student Records Regulation, as attached.

21. **ADOPTION POLICY 5500/5500R-STUDENT RECORDS/REGULATON: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves and adopts policies 5500/5500R-Student Records and Student Records Regulation, as attached.
  22. **ADOPTION DISTRICT WIDE SAFETY PLAN: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the District-Wide Safety Plan for the 2020-2021 school year.
  23. **HEALTH SERVICES AGREEMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the health service agreements between the Babylon UFD and the following school districts for the 2020-2021 school year: Bay Shore UFSD, Brentwood UFSD, Central Islip UFSD, Deer Park UFSD, Farmingdale UFSD, Hauppauge UFSD, Huntington UFSD, Hempstead UFSD, North Babylon UFSD, Longwood Central School District, and Wyandanch UFSD.
  24. **COMMITTEE ON SPECIAL EDUCATION AND COMMITTEE ON PRESCHOOL EDUCATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the recommendations from the Committee on Special Education and Committee on Preschool Education for cases dated June 3, 2020-October 23, 2020.
- X. Other Business
- XI. Representatives of Organizations
- XII. Questions/Comments from Visitors can be emailed to [babylonschools@babylonufsd.com](mailto:babylonschools@babylonufsd.com) by 3:00 p.m.
- XIII. Future Board Meetings:
- Work/Study Meeting  
Monday, November 16, 2020 - 7:30 p.m.
- Regular Business Meeting  
Monday, December 7, 2020 - 7:30 p.m.
- XIV. Adjournment

**Second Reading/Adoption**  
**5500/5500R Student Records/Regulation**

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights will be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The District is responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

### Definitions

*Authorized Representative:* an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

*Education Record:* means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
- (b) records of the district's law enforcement unit;
- (c) grades on peer-graded papers before they are collected and recorded by a teacher.

*Eligible student:* a student who has reached the age of 18 or is attending postsecondary school.

*Legitimate educational interest:* a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

*Personally identifiable information (PII):* as it pertains to students, is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc. This term is fully defined in federal regulations at 34 CFR 99.3.

*School official:* a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

*Volunteers:* The district prohibits volunteers from accessing student information. The district expects that if volunteers discover any information about students during the course of their volunteer duties, they will not redisclose such information to anyone other than a school official with a legitimate educational interest.

Third party contractor: is any person or entity, other than an educational agency (which includes schools, school districts, BOCES, or the State Education Department), that receives student or teacher/principal PII from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. This includes educational partnership organizations that receive student or teacher/principal PII from a school district to carry out responsibilities under Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

### Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-party contractors.(see 8635-E) The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and students who enroll during the school year.

The notice and Parents' Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents' Bill of Rights will inform parents/guardians and students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.
5. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. that the district will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the district contracts that use or have access to personally identifiable student data.

The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R, Section 5.



The district will effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5) above.

#### Directory Information

The district has the option under FERPA of designating certain categories of student information as “directory information.” The Board directs that “directory information” include a student’s:

- Name of student and parent(s)/guardians
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student’s identity),
- Address (except information about a homeless student’s living situation, as described below)
- Telephone number
- Date and place of birth
- Major course of study/grade level
- Dates of attendance,
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status
- Participation in recognized school activities/extracurricular activities/sports programs
- Academic honors, achievements, awards, scholarships

Information about a homeless student’s living situation will be treated as a student educational record and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student’s address information in the same way they would for other student education records. The district’s McKinney-Vento liaison will take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities and other beneficial activities.

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to display their student ID cards.

Once the proper FERPA notification is given by the district, a parent/guardian or student will have 14 days to notify the district of any objections they have to any of the “directory information” designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the “opt-out,” it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

#### Cross-ref:

1120, School District Records  
 4321, Programs for Students with Disabilities Under IDEA and Part 89  
 4532, School Volunteers  
 5550, Student Privacy  
 5151, Homeless Children  
8635, Information and Data Security, Breach and Notification

**Ref:**

Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99

No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)

10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002

Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;

Public Officers Law §87(2)(a)

Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)

8 NYCRR Part 121 (Data Privacy)

8 NYCRR §185.12 (Appendix I) Records Retention and Disposition, Schedule ED-I for Use by School Districts and BOCES

“Guidance for Reasonable Methods and Written Agreements,”

[http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd\\_agreement.pdf](http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf)

Parents’ Bill of Rights for Data Privacy and Security, July 29, 2014: <http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office/Student Privacy Policy Office website:

<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Adoption Date: June 10, 2002

Revised Date:

## STUDENT RECORDS REGULATION

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) and state law it is the policy of this school district to permit parents/guardians and eligible students to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA and state law transfer from the parents/guardians to the student once the student attains eligible student status. However, districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. Notice will be sent annually to parents/guardians of students currently in attendance and students currently in attendance informing them of their rights pursuant to FERPA and state law and will include a Parents' Bill of Rights. See Exhibits 5500-E.1 and 8635-E. The district will effectively notify parents, guardians and students who have a primary or home language other than English.

Section 4. To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

1. A parent/guardian or an eligible student who wishes to inspect and review student records must make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, once the district verifies the identity of the parent/guardian or eligible student, arrangements will be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.
  - a. Before providing access to student records, the district will verify the identity of the parent/guardian or eligible student.
  - b. The district may provide the requested records to the parent/guardian or eligible student electronically, as long as the parent/guardian or eligible student consents. The district will transmit PII electronically in a way that maintains its confidentiality, using safeguards such as encryption and password protection.
2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records must submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the Building Principal will provide a written response indicating either that they:
  - a. finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted; or
  - b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal will be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response will also outline the procedures to be followed with respect to a hearing regarding the request for amendment.

4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
5. The hearing will be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
6. The parent/guardian or eligible student will be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of their own choice, including an attorney.
7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why they disagree with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, the U.S. Attorney General, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena, or unless the parent is the subject of a court proceeding involving child dependency or child abuse and neglect matters, and the order is issued in context of that proceeding.
10. In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as "directory information."
13. To provide information from the school's law enforcement unit records.

14. To a court, when the district is involved in legal action against a parent or student, those records necessary to proceed with the legal action.
15. To the U.S. Secretary of Agriculture, its authorized representatives from the Food and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate and measure performance of federally-subsidized school food programs, subject to certain privacy protections.
16. To any caseworker or representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan, where the agency or organization is legally responsible for the care and protection of that student, not to be redisclosed except as permitted by law.

The district will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls such as access controls for electronic records, password protection, firewalls, encryption, and administrative procedures. The district will document requests for and release of records and retain the documentation in accordance with law.

If the district enters into a contract with a third party that calls for receipt of student PII by the contractor, the agreement will include a data security and privacy plan that includes a signed copy of the Parents' Bill of Rights and addresses the following, among other contractual elements:

1. training of vendor employees regarding confidentiality requirements;
2. limiting access to PII to those individuals who have a legitimate educational interest or need access to provide the contracted services;
3. prohibiting the use of PII for any other purpose than those authorized under the contract;
4. prohibiting the disclosure of PII without the prior written consent of the parent/guardian or eligible student, unless it is to a subcontractor in carrying out the contract, or unless required by statute or court order, in which case they must provide notification to the district (unless notice is prohibited by the statute or court order);
5. maintaining reasonable administrative, technical and physical safeguards to protect PII;
6. using encryption technology to protect PII while in motion or in its custody to prevent unauthorized disclosure;
7. breach and notification procedures.

The district will, via written agreements, designate authorized representatives who have access to educational records. The written agreement will specify how the work falls within the exception, what personally identifiable information is to be disclosed, how the educational record will be used, and that the records will be destroyed by the authorized representative once they are no longer needed for that purpose or the agreement expires.

Section 6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide him or her with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

#### Additional Rights Under New York State Law Related to the Protection of Student Data and Third Party Contractors

New York State Law offers parents additional rights beyond FERPA in regard to third party contractors and student PII. The district will post and distribute a 'Parents' Bill of Rights for Data Privacy and Security.' The 'Parents' Bill of Rights' will establish the following:

- Educational purpose: The use of student personally identifiable information (PII) is for educational or related purposes only.
- Transparency: Disclosure of third party contracts and their privacy provisions.
- Authorization: Assurance that proper authorization will be secured prior to the release of PII.
- Security: A description of the measures in place to protect PII, without compromising the security plan.
- Data Breach Notification: An explanation of the procedures in the event of a data breach.

- **Complaint Procedure:** The district offers a complaint procedure in the event that a parent suspects a breach of student data by a third party contractor and provides information about lodging a complaint with the New York State Education Department's Chief Privacy Officer.

See policy 8635 (and regulation 8635-R), Information and Data Privacy, Security, Breach and Notification for more information on data security and breaches of PII, and 8635-E for the Parent's Bill of Rights for Data Privacy and Security.

#### Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Adoption Date: June 10, 2002

Revised Date: