

6.16.1 DATA PRIVACY & SECURITY

PARENTS' BILL OF RIGHTS

Parents (includes legal guardians or persons in parental relationships) and Eligible Students (student 18 years and older) can expect the following:

1. A student's personally identifiable information (PII) cannot be sold or released for any commercial purpose. PII, as defined by Education Law § 2-d and FERPA, includes direct identifiers such as a student's name or identification number, parent's name, or address; and indirect identifiers such as a student's date of birth, which when linked to or combined with other information can be used to distinguish or trace a student's identity. Please see FERPA's regulations at 34 CFR 99.3 for a more complete definition.
2. The right to inspect and review the complete contents of the student's education record stored or maintained by an educational agency. This right may not apply to parents of an Eligible Student.
3. State and federal laws such as Education Law § 2-d; the Commissioner of Education's Regulations at 8 NYCRR Part 121, the Family Educational Rights and Privacy Act ("FERPA") at 12 U.S.C. 1232g (34 CFR Part 99); Children's Online Privacy Protection Act ("COPPA") at 15 U.S.C. 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment ("PPRA") at 20 U.S.C. 1232h (34 CFR Part 98); the Individuals with Disabilities Education Act ("IDEA") at 20 U.S.C. 1400 et seq. (34 CFR Part 300); protect the confidentiality of a student's identifiable information.
4. Safeguards associated with industry standards and best practices including but not limited to encryption, firewalls and password protection must be in place when student PII is stored or transferred.
5. A complete list of all student data elements collected by NYSED is available at <http://www.nysed.gov/data-privacy-security/student-data-inventory> and by writing to:

Chief Privacy Officer,
New York State Education Department,
89 Washington Avenue, Albany, NY 12234

6. The right to have complaints about possible breaches and unauthorized disclosures of PII addressed. Complaints may be submitted to NYSED at

<http://www.nysed.gov/data-privacysecurity/report-improper-disclosure>,

by mail to:

Chief Privacy Officer,
New York State Education Department,
89 Washington Avenue, Albany, NY 12234

by email to privacy@nysed.gov; or by telephone at 518-474- 0937.

You may also submit a complaint to the Clinical Associates of the Finger Lakes (CAFL) - by mail to:

Program Director
590 Fishers Station Drive Suite 100
Victor, NY 14564

7. To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.
8. Educational agency workers that handle PII will receive training on applicable state and federal laws, policies, and safeguards associated with industry standards and best practices that protect PII.
9. Educational agency contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.

FAMILY RIGHTS AND PRIVACY (FERPA)

CAFL's procedures for the confidentiality of student records are consistent with federal statutes, including the Family Educational Rights and Privacy Act (FERPA). The parents, those acting in a parental relationship, or eligible students are hereby notified that you have the following rights in relation to student records under the Family Educational Rights and Privacy Act (FERPA) and CAFL Policy 6.16A:

1. The right to inspect and review student's education records, unless otherwise limited by court order or other legally binding instrument, within 45 days of receipt of request.
2. The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate. Parents or eligible students may request such amendment by writing to the Program Director; clearly identify the part of the record they want changed, and specifying why it is inaccurate. If CAFL decides not to amend the record as requested by the parent or eligible student, CAFL will notify the parent or eligible student of the decision and advise them of the right to a hearing regarding the requested amendment. Additional information regarding hearing procedures will be provided to the parent or eligible student when notified of this right.
3. 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.
4. There are exceptions which allow for disclosure without consent:
 - Educational records may be released to school officials with legitimate educational interests. A school official is a person employed by a school district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical 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 the educational record in order to fulfill his or her professional responsibility.

- Education records of a student concerning disciplinary action taken against a 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 may be disclosed to school officials in other schools who have been determined to have a legitimate educational interest in the behavior of the student.
 - Educational records may be disclosed by school officials, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of the Individuals with Disabilities Education Act, to another school or postsecondary institution in which the student seeks or intends to enroll.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District 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 Ave., SW,
Washington, DC 20202-4605.

Release of information beyond that noted above requires parental consent.

Note – All rights and protections given parents under the FERPA and this policy transfer to the student when he or she reaches age 18 and petitions for self-determination, or attends a post-secondary school, or has been designated an “emancipated minor”. The student then becomes an “eligible student.”

DESIGNATED DIRECTORY INFORMATION

CAFL designates the following personally identifiable information contained in a student’s education record as “directory information” and shall release the information without prior written consent, unless it is for commercial purposes.

1. Student’s name and date of birth
2. Name(s) of the student’s parent(s) or legal guardians
3. Student’s address and phone number to law enforcement authorities for the purposes of complying with active investigations
4. Student’s grade designation (i.e. Preschool, kindergarten, first grade, etc.)
5. Present and previous school(s) attended by the student
6. A student photograph, video or recording

Opt Out - If you do not want CAFL to disclose the above directory information from your child’s educational records without your prior written consent, you must notify CAFL’s Program Director in writing by September 30 for the current school year. This notice must be sent to CAFL’s Program

Director on a yearly basis.

CONFIDENTIALITY

CAFL adheres to the Family Educational Rights and Privacy Act (FERPA). Private health care providers must follow other laws called Health Insurance Portability and Accountability Act (HIPAA). In instances where CAFL needs to communicate with private health care providers, the parent will need to complete the required form(s) from their health care provider in order for CAFL officials to be able to speak with them. Please be advised that confidential medical information will be shared with CAFL personnel who need to know. This may include understanding the impact a medical condition may have on a child within the classroom setting and/or how to recognize and potentially manage significant medical concerns until medical help arrives.