

**ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN
NOTIFICATION OF RIGHTS UNDER FERPA
AND DESIGNATION OF DIRECTORY INFORMATION**

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

- 1) The right to inspect and review the student's education records within forty-five (45) days of the day the School receives a request for access. Parents or eligible students should submit to the School Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- 2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the School to amend a record should write the School Principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School 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 the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- 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. 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 as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted as its agent to provide a service instead of using its own employees or officials (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 an education record in order to fulfill his or her professional responsibility. ***The District will make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.***
- 4) 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 Avenue, SW
Washington, DC 20202-5920

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**DIRECTORY INFORMATION AND MILITARY RECRUITER ACCESS
TO STUDENT INFORMATION (Cont'd.)**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the Enlarged City School District of Middletown, NY, with certain exceptions, obtain written consent of the parent/eligible student prior to the disclosure of personally identifiable information from the student's education records. Eligible student under FERPA is defined as a student eighteen (18) years of age or older or who is attending an institution of post-secondary education. However, the Enlarged City School District of Middletown, NY may disclose appropriately designated "directory information" without written consent, unless the parent/eligible student has advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Enlarged City School District of Middletown, NY to include this type of information from the student's education records in certain school publications. Examples include:

- 1) A playbill, showing your student's role in a drama production;
- 2) The annual yearbook;
- 3) Honor roll or other recognition lists;
- 4) Graduation programs; and
- 5) Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

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 the parent/eligible student has advised the LEA that the student's information shall not be disclosed without parental written consent. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher.

*These laws are: Section 9528 of the ESEA (20 USC 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 USC 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

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If you do not want the Enlarged City School District of Middletown, NY to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by ____/____/____.

The Enlarged City School District of Middletown, NY has designated the following information as directory information:

- 1) Student's name;
- 2) Participation in officially recognized activities and sports;
- 3) Degrees, honors, and awards received;
- 4) Major field of study.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to Military Recruiters.