



*Building Bridges for today's students to cross into tomorrow's world with equity, innovation and optimism*

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**Eudes S. Budhai**  
Superintendent of Schools

## **NYACK UNION FREE SCHOOL DISTRICT**

### **Notification of Rights under FERPA**

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

1. The right to inspect and review the student's education records within 45 days after the day the Nyack Public Schools ("Nyack" or the "District") receives a request for access. Parents or eligible students should submit to the student's 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 is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the District to amend a record should write the student's 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 in writing of the decision and their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/eligible student when notified of the right to a hearing.

3. The right to provide written consent before the District discloses personally identifiable information ("PII") from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits the District to disclose education records without the parent/eligible student's prior written consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Education; or a parent or student serving on an official

committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the District who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist 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 responsibilities for the District.

Upon request, the District also discloses education records without consent to officials of another school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

FERPA requires that the Nyack Union Free District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information (PII) from your child's education records. However, the District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- 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 the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.<sup>1</sup>

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<sup>1</sup> These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. §7908) and 10 U.S.C. §503(c).

**If you do not want the District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by October 22, 2021, sending the notification directly to the Main Office of your child's school. The District has designated the following information as directory information:**

- **Student's name**
- **Address**
- **Telephone number**
- **Date and place of birth**
- **Participation in officially recognized activities and sports**
- **Degrees, achievement awards or honors**
- **Weight and height, if a member of an athletic team**
- **Dates of attendance; and**
- **Most recent educational institution attended**

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