

# Center for Spectrum Services Parents' Bill of Rights for Data Privacy and Security



Center for Spectrum Services 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..
2. 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.
3. 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.
4. 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.
5. Educational agency contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.

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 are:

1. The right to inspect and review the student's education records within 45 days after the day Center for Spectrum Services receives a request for access.

Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. A fee may be charged for copies.

Parents or eligible students should submit to the Program Director, who serves as The Records Access Officer, a written request that identifies the records they wish to inspect. The Program Director or her designee 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 seek amendment or correction 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 Center for Spectrum Services to amend a record should write to the Program Director, 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 of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedure will be provided to the parent or eligible student when notified of the right to a hearing. After the completion of the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information

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

FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:

- School officials with legitimate educational interest
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer
- To authorized representatives of, among others, State and local educational authorities, such as a State department of education, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs
- To a representative of a State or local child welfare agency or Tribal organization regarding a child in foster care
- To State and local officials or authorities pursuant to a State statute concerning the juvenile justice system and the system's ability to effectively serve the student whose records are being disclosed pursuant to specific State law.
- To organizations conducting studies for, or on behalf of, the school for

specified purposes including improving instruction

- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Center for Spectrum Services to comply with the requirements of FERPA.

Parents who believe that their FERPA rights may have been violated may file a complaint with SPPO at <https://studentprivacy.ed.gov/file-a-complaint>.

For more information regarding FERPA and other student privacy issues, please visit <https://studentprivacy.ed.gov>

## **Definitions**

### **Eligible Students**

The Family Educational Rights and Privacy Act or FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) provides certain rights for parents regarding their children’s education records. FERPA gives these rights to custodial and noncustodial parents alike, unless there is a court order, legally binding document, or State law that specifically provides to the contrary. When a student reaches 18 years of age or attends an institution of postsecondary education at any age, he or she becomes an “eligible student,” and all rights under FERPA transfer from the parent to the student.

FERPA provides ways in which a school may share education records on an eligible student with their parents. Schools may, but are not required to, disclose any and all education records to parents, without the consent of the eligible student, if the student is a “dependent student,” as that term is defined in Section 152 of the Internal Revenue Code.

### **School Official**

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) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school 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, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs or review an education record in order to fulfill his or her professional responsibility.