

DISTRICT-WIDE SAFETY PLAN AND BUILDING-LEVEL  
EMERGENCY RESPONSE PLANS

I. Policy

A. Plan Adoption and Re-adoption

As required by State law, the Board of Education (the Board) has adopted a comprehensive District-Wide School Safety Plan and a Building Level Emergency Response Plan regarding crisis intervention and emergency response and management for each building in the District, and reviews and updates those plans annually by September 1<sup>st</sup> of each succeeding year.

B. Chief Emergency Officer

The Madison Central School District (the District) Superintendent is designated as the District's Chief Emergency Officer. The Chief Emergency Officer is responsible for coordinating communication between school staff and law enforcement and first responders, ensuring staff understanding of the District level safety plan, and ensuring the annual review and updating of each building level emergency response plan.

II. District-Wide School Safety Plan

A. Safety Team

The Board of Education shall appoint a District-Wide School Safety Team, which shall include, but not be limited to, representatives of the school board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors to develop a comprehensive District-Wide Safety Plan.

B. Contents of Safety Plan

The District-Wide Safety Plan shall include, at a minimum, all the elements required by Commissioner's Regulation 155.17(c)(1). The Plan shall provide that the communication liaison in the event of an emergency affecting the District shall be the District Superintendent of the Madison-Oneida BOCES.

C. Review and Update

1. The District-Wide School Safety Plan is reviewed and updated at least annually by the District-Wide School Safety Team, which shall make recommendations to the Board concerning appropriate amendments to the Plan.

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2. The District-Wide Safety Plan must be made available for public comment at least thirty (30) days prior to adoption by the Board of any proposed amendments to the Plan. The Board may adopt an amended District-Wide Safety Plan only after at least one public hearing has been held.

D. File with Commissioner of Education

A copy of the District-Wide Safety Plan and any amendments to the Plan shall be filed with the Commissioner of Education within thirty (30) days of approval by the Board, but not later than October 1<sup>st</sup> of each year.

E. Use of Temporary Vision Panel Coverings

1. The installation and use of temporary vision panel coverings is authorized when recommended by the Safety Team as part of the District-Wide School Safety Plan. All installations shall comply with the New York State Fire Prevention and Building Code, and with the NYSED Manual of Planning Standards.
2. The Safety Team shall include in its considerations the important safety function of insuring speedy egress from rooms and buildings in order to escape threats to safety, such as fire.
3. The recommendation of the Safety Team shall include a recommended priority of installation, in the event that complete coverage is not feasible for logistic or financial reasons, and shall be included in the appropriate Building Level Emergency Plans.

F. Use of Temporary Door Blocks

1. The installation and use of temporary door blocks is authorized when recommended by the Safety Team as part of the District-Wide School Safety Plan. All installations shall comply with the New York State Fire Prevention and Building Code, and with the NYSED Manual of Planning Standards.
2. The Safety Team shall include in its considerations the important safety function of insuring speedy egress from rooms and buildings in order to escape threats to safety, such as fire.
3. The recommendation of the Safety Team shall include a recommended priority of installation, in the event that complete coverage is not feasible for logistic or financial reasons, and shall be included in the appropriate Building Level Emergency Plans.

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III. Building-Level Emergency Response Plan

A. Response Team

1. The Principal of each school building shall appoint a Building-Level Emergency Response Team, which shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel, including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials or other emergency response agencies, and any other representatives the Board deems appropriate.
2. The Building-Level Emergency Response Team shall develop a school emergency response plan, which shall be kept confidential and shall not be disclosed except to authorized school staff and law enforcement officers.

B. Contents of Response Plan

The Building-Level Emergency Response Plan shall include at a minimum all the elements required by Commissioner's Regulation 155.17(c)(1). The Plan shall provide that the communication liaison in the event of an emergency affecting the District shall be the District Superintendent of the Madison-Oneida BOCES.

C. Review and Update

The Building-Level Emergency Response Plan is reviewed and updated at least annually by the Building-Level Emergency Response Team.

D. File with Law Enforcement

A copy of each Building-Level Emergency Response Plan and any amendment shall be filed with appropriate local law enforcement officials and with the State Police within thirty (30) days after approval by the Board, but not later than October 1<sup>st</sup> of each year.

IV. Implementation and Training

A. Notice to Commissioner

The District Superintendent shall notify the Commissioner as soon as possible whenever the emergency plan or building level safety plan is activated and results in the closing of a school building in the District, except that closures due to routine snow emergencies will not be reported.

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B. Staff Training

1. All District and school staff shall receive annual training by September 15<sup>th</sup> of each school year, or within thirty (30) days of hire, whichever is sooner, on the emergency response plan.
2. This safety training shall include components of violence prevention and mental health.
3. The (District) Superintendent shall be responsible for making the necessary certification of this training to the State Education Department.

C. Annual Information for Students and Staff

The (District) Superintendent shall provide written information, by October 1<sup>st</sup> of each school year, to all students and staff about emergency procedures.

D. Emergency Drill

The District shall, at least once every school year, conduct one test of its emergency procedures.

V. Response to Student Conduct

School personnel have primary responsibility for responding to student misconduct that violates, or may violate the District's Code of Conduct. Law enforcement personnel should be asked to intervene only when intervention by school personnel would create unreasonable risk to the school personnel or other persons, including the offending student, or when the additional training, techniques, and equipment available to law enforcement personnel is necessary to prevent additional injury to affected persons, including the offending student, or to restore order.

VI. Contracts With Law Enforcement or Other Security Agencies

A. Board Responsibility

The Board is responsible for determining whether, when, and to what extent District funds shall be used to engage the assistance of law enforcement or other security agencies, and the proper role of those personnel in the schools. When the Board decides to secure the assistance of law enforcement or other security agency personnel, it shall do so by contract, memorandum of agreement, or other legally binding agreement.

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- B. Development of a School Security Services Agreement
1. The contract or memorandum of agreement for the procurement of law enforcement or other security agency services shall be developed with input from a working group consisting of representatives of: the Board, parents, students, school administrators, teachers, other school personnel, collective bargaining units, parent and student organizations, community members, probation officers, prosecutors, defense counsel, and courts that are familiar with school discipline matters. Whenever feasible, the representatives of the school community shall be drawn from the District-Wide Safety Team.
  2. When the District enters into an agreement for the procurement of school security services, the agreement shall include, but not be limited to, the following elements:
    - a. define the relationship between the District and the contracted school security personnel;
    - b. coordinate with the District's Code of Conduct.
    - c. delegate to school personnel the role of school discipline; and
    - d. define the roles and responsibilities of the law enforcement or security personnel within the school community.
  3. A school security services agreement approved by the Board shall be incorporated into the District-Wide Safety Plan and published with the Plan.

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Madison Central School District

Legal Ref: NYS Education Law §2801-a; 8 NYCRR 155.17, Safe Schools Against Violence in Education Act (SAVE); NYS Fire Prevention and Building Code; and NYSED Manual of Planning Standards

Adopted: 02/25/99

Revised: 03/04/14, 11/07/16, 06/18/19, \_\_\_\_\_

**POLICY IS REQUIRED**  
INFORMATION SECURITY BREACH POLICY

I. Statement of Policy

The Madison Central School District (the District) takes reasonable administrative, technical, and physical measures to protect the security of private information, as defined in State Technology Law Section 208, held in the District's digitally-stored records. If the District learns of a breach of the security of its digitally-stored records, the District notifies affected data subjects as set forth in this Policy, and also notifies the appropriate State agencies. This Policy applies to information stored by the District or stored by a third party on behalf of the District.

II. Scope of Information Protected

A. Information that is Protected

1. In connection with any software platform or application that requires the creation of a user account with a password, disclosure of the user name or email address in combination with a password or security question and answer that would permit access to an online account is considered disclosure of private information.
2. Private information also is deemed to have been disclosed if the following conditions are met:
  - a. one of the following data elements related to the data subject has been disclosed:
    - i. social security number, or
    - ii. driver's license number or non-driver identification card number, or
    - iii. account number, credit or debit card number, in combination with any required security code, access code, password, or other information which would permit access to an individual's financial account, or
    - iv. account number, or credit or debit card number, if circumstances exist where such number could be used to access an individual's financial account without additional identifying information, security code, access code, or password, or

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- v. biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, or retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity; and
  - b. any other information about the data subject has been disclosed, and
  - c. either the data element or the combination of personal information plus the data element is not encrypted or is encrypted with an encryption key that has also been accessed or acquired.
- B. Information Not Covered by This Policy
- 1. Publicly available information that is lawfully made available to the general public from Federal, State, or local governmental records is not private information within the meaning of this Policy.
  - 2. Personally identifiable information of students, eligible students, and teachers or principals governed by Education Law Section 2-d is managed by the District, and data breach notifications are provided, in accordance with Policy 5406 and is not private information within the meaning of this Policy.
- III. When Notification is Required
- A. General Rule
- The District shall provide notification of any breach of its system for storing private information following discovery or notification of the breach of the security of the system to any resident of New York State whose private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization.
- B. Determining Whether a Breach of Security Occurred
- 1. "Breach of the security of the system" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of private information maintained by the District.
  - 2. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the District may consider the following factors, among others:

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- a. indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b. indications that the information has been downloaded or copied; or
- c. indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

C. Inadvertent Disclosure by Authorized Persons

Notice to affected persons under this Policy is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the District reasonably determines such exposure will not likely result in misuse of such information, or financial or emotional harm to the affected persons. Such a determination shall be documented in writing and maintained for at least five years. If the incident affected over five hundred residents of New York, the District shall provide the written determination to the state attorney general within ten days after the determination.

IV. Notification Procedures

A. Notification Methods

The District will notify the affected data subject(s) by one of the following methods:

1. written notice;
2. electronic notice, provided that the person to whom the notice is required has expressly consented to receiving said notice in electronic form; a log of each such notification shall be kept by the District;
3. telephone notification; a log of each such notification shall be kept by the District;
4. substitute notice, if the cost of providing notice would exceed two hundred fifty thousand dollars, or the affected class of persons to be notified exceeds five hundred thousand, or the District does not have sufficient contact information. Substitute notice shall consist of all of the following:
  - a. e-mail notice when the District has an e-mail address for the subject persons;



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- b. conspicuous posting of the notice on the District’s web site page, if the District maintains one; and
- c. notification to major District-wide media.

B. Notification Content

The notice must include the District’s contact information, and a description of the categories of information that were, or are reasonably believed to have been, accessed or acquired by a person without valid authorization, including specification of which elements of private information were, or are reasonably believed to have been, accessed or acquired. The notice shall also include the telephone numbers and website addresses of state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information.

C. Notification Timing

Disclosure of the unauthorized access to or acquisition of private information shall be made in the most expedient time possible and without unreasonable delay, consistent with the needs of law enforcement and the measures necessary to first determine the scope of the breach and restore the integrity of the information storage system.

D. Coordination with Law Enforcement

Notification may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required shall be made after such law enforcement agency determines that such notification does not comprise such investigation.

V. Other Notifications

When notification of individual data subjects is necessary, the District shall also notify the New York State Attorney General, the New York Department of State, and the New York State Office of Information Technology Services, providing them with information about the timing, content, and distribution of the notices and approximate number of affected persons. If more than 5,000 New York State residents are required to be notified of a particular incident, the District will also notify consumer reporting agencies with the same information and without waiting to complete notifications to the individual affected data subjects.

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Madison Central School District

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Adopted: 06/13/06

Revised: 04/22/14, \_\_\_\_\_

SUPPORT OPERATIONS

Draft 4/09/2020  
NEW 5406

**POLICY IS REQUIRED**

PROTECTION OF STUDENT, TEACHER, AND PRINCIPAL PERSONAL INFORMATION  
(DATA SECURITY AND PRIVACY)

I. Statement of Policy

In order to conduct a successful education program, the Madison Central School District (the District) receives, creates, stores, and transfers information about students, teachers, and principals that is protected by state and federal law. The District takes active steps to protect the confidentiality of protected information in compliance with all applicable state and federal laws. The District expects all District officers, employees, and partners to maintain the confidentiality of protected information in accordance with state and federal law and all applicable Board of Education (the Board) Policies.

This Policy shall be published on the District website.

II. Scope of Policy

A. Protected Information

1. The term Protected Information used in this Policy includes both, Protected Student Information, and Protected Teacher and Principal Information that is recorded in any form, including paper or digital, and text or image or sound.
2. The term Protected Student Information means personally identifiable information as defined in the federal regulations implementing the Family Educational Rights and Privacy Act (FERPA), found at 34 C.F.R. Section 99.3.
3. The term Protected Teacher and Principal Information means personally identifiable information about an individual's Annual Professional Performance Review (APPR) rating, as described in Education Law Section 3012-c(10).

B. Affected Persons and Entities

1. The term Student includes any person attending school in an educational agency, or seeking to become enrolled in an educational agency.
2. The term Parent includes the parent, legal guardian, or person in parental relation to a Student.

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3. The term Data Subject includes any Student and the Parent of the Student, and any teacher or principal who is identified in Protected Information held by the District.
4. As used in this Policy, the term Third Party means any person or organization that (a) is not employed by this District and is not an Educational Agency and (b) receives Protected Information from this District. The term Third Party includes for-profit organizations, not-for-profit organizations, higher education institutions, and governmental agencies that are not Educational Agencies (such as law enforcement agencies).
5. As used in this Policy, the term Educational Agency includes public school districts, boards of cooperative educational services, charter schools, the State Education Department, certain pre-k programs, and special schools described in Section 2-d of the Education Law; higher education institutions are not Educational Agencies for purposes of this Policy.

C. Other Important Definitions

1. The term Breach means the unauthorized acquisition of, access to, use of, or disclosure of Protected Information by or to a person who is not authorized to acquire, access, use, or receive that Protected Information.
2. A Disclosure of Protected Information occurs when that information is released, transferred, or otherwise communicated to an unauthorized party by any means, including oral, written, or electronic; a disclosure occurs whether the exposure of the information was intentional or unintentional. A Disclosure is Unauthorized if it is not permitted by state or federal law or regulation, or by any lawful contract, or not made in response to a lawful order of a court or tribunal.
3. The term Commercial or Marketing Purpose means (a) the sale of Protected Student Information, (b) the use or disclosure of Protected Student Information by any party (including the District) for purposes of receiving remuneration, either directly or indirectly, (c) the use of Protected Student Information for advertising purposes, (d) the use of Protected Student Information to develop or improve a Third Party product or service, or (e) the use of Protected Student Information to market products or services to students.

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D. Implementation with Other Policies and Laws

The District has adopted other Policies and practices to comply with state and federal laws such as FERPA, IDEA, and the National School Lunch Act. This Policy will be implemented to supplement, and not replace, the protections provided by those laws, as recognized in District Policies and practices.

III. General Principles for Use and Security of Protected Information

A. Intentional Use of Protected Information

1. All District staff and officers are expected to receive, create, store, and transfer the minimum amount of Protected Information necessary for the District to implement its education program and to conduct operations efficiently. In particular, the number of email documents containing Protected Information should be minimized.
2. Protected Student Information will only be disclosed to other District staff or Third Parties when that person or entity can properly be classified as a school official with a legitimate educational interest in that Protected Information, meaning that the person or entity requires that information to perform their job or fulfill obligations under a contract with the District.
3. Protected Information shall not be disclosed in public reports or other public documents.
4. Before Protected Student Information is disclosed to a Third Party, there shall be a determination that the disclosure of the Protected Information to that Third Party will benefit the student(s) whose information is being disclosed and the District.
5. Except as required by law or in the case of educational enrollment data, the District shall not report to the State Education Department student juvenile delinquency records, student criminal records, student medical and health records, or student biometric information.

B. Commercial and Marketing Use of Protected Information Prohibited

The District shall not sell protected information or use or disclose protected information for the purpose of receiving remuneration either directly or indirectly. The District shall not facilitate the use of Protected Information by another party for that party's commercial or marketing purpose.

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IV. Data Protection Officer

A. Board Designation

Upon the recommendation of the Superintendent, the Board will designate a Data Protection Officer. The designation shall be made by formal action at a Board meeting.

B. Responsibilities of Data Protection Officer

1. The Data Protection Officer shall be responsible for the implementation of this Policy, under the supervision of the Superintendent and consistent with other Board Policies.
2. The Data Protection Officer shall serve as the initial point of contact for data security and privacy matters affecting the District, including communications with the Chief Privacy Officer of the State Education Department.
3. In addition to specific responsibilities identified in this Policy, the Data Protection Officer shall oversee the District assessment of its risk profile and assist the Superintendent in identifying appropriate steps to decrease the risk of Breach or Unauthorized Disclosure of Protected Information, in alignment with the National Institute of Standards and Technology (NIST) Cybersecurity Framework.

V. Actions to Reduce Cybersecurity Risk

A. NIST Cybersecurity Framework

1. The District shall plan, install, maintain, operate, and upgrade its digital information network systems, infrastructure, and practices in alignment with the NIST Cybersecurity Framework, version 1.0, with the goal of steadily reducing the risk of unauthorized disclosure of, or access to, the Protected Information stored on and transmitted through the network.
2. In accordance with the approach of the NIST Cybersecurity Framework, the Superintendent shall direct appropriate District personnel, including the Data Protection Officer, to continually assess the current cybersecurity risk level of the District, identify and prioritize appropriate “next steps” for the District to take to reduce cybersecurity risk, and implement actions

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to reduce that risk, consistent with available fiscal and personnel resources of the District.

3. Decisions regarding procurement and implementation of hardware and software, and decisions regarding the collection and use of Protected Information, shall take into consideration the anticipated benefit to the education program or operations of the District, and the potential increase or decrease in the risk that Protected Information will be exposed to unauthorized disclosure.

B. Setting Expectations for Officers and Employees

1. Notice of this Policy shall be given to all officers and employees of the District.
2. Officers and employees of the District shall receive cybersecurity training designed to help them identify and reduce the risk of unauthorized disclosures of Protected Information. Each employee shall receive such training at least annually. This training shall include information about the state and federal laws that govern Protected Information and how to comply with those laws and meet District expectations for use and management of Protected Information.

VI. Parents Bill of Rights for Data Privacy and Security

A. Content of the Parents Bill of Rights for Data Privacy and Security

The District publishes on its website and will maintain a Parents Bill of Rights for Data Privacy and Security that includes all elements required by the Commissioner's Regulations, including supplemental information about data-sharing agreements as described in Part B below.

B. Public Access to the Parents Bill of Rights for Data Privacy and Security.

The Parents Bill of Rights for Data Privacy and Security shall be posted on the District website. The website copy of the Parents Bill of Rights for Data Privacy and Security shall include links to the following supplemental information about each contract between the District and a Third Party that receives Protected Information:

1. The exclusive purpose(s) for which the District is sharing the Protected Information with the Third Party;

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2. How the Third Party will ensure that any other entities with which it shares the Protected Information, if any, will comply with the data protection and security provisions of law and the contract;
3. When the agreement expires and what happens to the Protected Information when the agreement expires;
4. That a Data Subject may challenge the accuracy of the Protected Information through the process for amending education records under the Education Records Policy of the District (Protected Student Information) or the appeal process under the APPR Plan of the District (Protected Teacher and Principal Information);
5. Where the Protected Information will be stored (described in a way that protects data security); and
6. The security protections that will be taken by the Third Party to ensure that the Protected Information will be protected, including whether the data will be encrypted.

VII. Standards for Sharing Protected Information with Third Parties

A. Written Agreement For Sharing Protected Information With a Third Party Required

1. Protected Information shall not be shared with a Third Party without a written agreement that complies with this Policy and Section 2-d of the Education Law.
2. Disclosing Protected Information to other educational agencies does not require a specific written agreement, because educational agencies are not Third Parties. However, any such sharing must comply with FERPA and Board Policy.
3. When the District uses a cooperative educational services agreement (CoSer) with a BOCES (the CoSer BOCES) to access an educational technology platform that will result in Protected Information from this District being received by a Third Party, this District will confirm that the product is covered by a contract between the CoSer BOCES and the Third Party that complies with Education Law Section 2-d. This District will confirm with the CoSer BOCES the respective responsibilities of this District and the CoSer BOCES for providing breach notifications and publishing supplemental information about the contract.

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B. Review and Approval of Online Products and Services Required

1. District staff do not have authority to bind the District to the Terms of Use connected to the use of online software products, regardless of whether there is a price attached to the use of the online product. Any staff member considering the use of an online product to perform the duties of their position should carefully read the online Terms of Service to determine whether accepting those terms will be considered binding on the District by the vendor.
2. If the use of an online product will result in the vendor receiving Protected Information, then the vendor is a Third Party and any agreement to use the online product must meet the requirements of this Policy and Education Law Section 2-d. Therefore, no staff member may use an online product that shares Protected Information until use of that product has been reviewed and approved by the Data Protection Officer.
3. The Superintendent, in consultation with the Data Protection Officer, shall establish a process for the review and approval of online technology products proposed for use by instructional or non-instructional staff.

C. Minimum Required Content for Third Party Contracts

1. Protected Information may not be shared with a Third Party unless there is a written, properly authorized contract or other data-sharing agreement that obligates the Third Party to:
  - a. maintain the confidentiality of the Protected Information in accordance with all applicable state and federal laws;
  - b. maintain the confidentiality of the Protected Information in accordance with this Policy;
  - c. use the shared Protected Information only for the purpose(s) specifically described in the contract, and to not use the Protected Information for any Commercial or Marketing Purpose;
  - d. limit access to Protected Information to only those officers and employees who need access in order to perform their duties in fulfilling the contract on behalf of the Third Party;



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- e. ensure that no officer or employee of the Third Party will be given access to Protected Information until they have received training in the confidentiality requirements of state and federal laws and this Policy;
  - f. not disclose any Protected Information to any other party who is not an authorized representative of the Third Party using the information to carry out Third Party's obligations under the contract, unless (i) Third Party has the prior written consent of the Data Subject to disclose the information to that party, or (ii) the disclosure is required by statute or court order, and notice of the disclosure is provided to the source of the information no later than the time of disclosure, unless such notice is expressly prohibited by the statute or court order;
  - g. maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of Protected Information in its custody;
  - h. use encryption technology to protect data while in motion or in its custody from unauthorized disclosure using a technology or methodology specified by the secretary of the U.S. Department of HHS in guidance issued under P.L. 111-5, Section 13402(H)(2);
  - i. notify the District of any breach of security resulting in an unauthorized release of Protected Information by the Third Party or its assignees in violation of state or federal law, or in violation of contractual obligations relating to data privacy and security in the most expedient way possible and without unreasonable delay but no more than seven calendar days after the discovery of the breach; and
  - j. where a breach or unauthorized disclosure of Protected Information is attributed to the Third Party, the Third Party shall pay for or promptly reimburse the District for the full cost incurred by this District to send notifications required by the Education Law.
2. The contract or other data-sharing agreement with the Third Party must include the Third Party's Data Security and Privacy Plan that is accepted by the District. The Plan must include a signed copy of the District Parents Bill of Rights for Data Privacy and Security, and shall:

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- a. warrant that the Third Party's practices for cybersecurity align with the NIST Cybersecurity Framework 1.0;
  - b. equal industry best practices including, but not necessarily limited to, disk encryption, file encryption, firewalls, and password protection;
  - c. outline how the Third Party will implement all state, federal, and local data security and privacy contract requirements over the life of the contract, consistent with this Policy;
  - d. specify the administrative, operational and technical safeguards and practices it has in place to protect Protected Information that it will receive under the contract;
  - e. demonstrate that it complies with the requirements of Section 121.3(c) of the Commissioner's Regulations;
  - f. specify how officers or employees of the Third Party and its assignees who have access to Protected Information receive or will receive training on the federal and state laws governing confidentiality of such data prior to receiving access;
  - g. specify if the Third Party will utilize sub-contractors and how it will manage those relationships and contracts to ensure Protected Information is protected;
  - h. specify how the Third Party will manage data security and privacy incidents that implicate Protected Information including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District; and
  - i. describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the Third Party when the contract is terminated or expires.
3. The contract or other data-sharing agreement with the Third Party must also include information sufficient for the District to publish the supplemental information about the agreement described in Part VI-B of this Policy.

#### VIII. District Response to Reported Breaches and Unauthorized Disclosures

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- A. Local Reports of Possible Breach or Unauthorized Disclosures
1. Data Subjects and other District staff who have information indicating that there has been a Breach or Unauthorized Disclosure of Protected Information may report that information to the Data Protection Officer.
  2. The report of suspected Breach or Unauthorized Disclosure must be made in writing. A report received by email will be considered a written report. The report shall provide as much information as is available to the reporting party concerning what Protected Information may have been compromised, when and how the possible Breach or Unauthorized Disclosure was discovered, and how the Data Privacy Officer may contact the reporting party. The Data Protection Officer shall make a form available online and in each school office to be used for reporting a suspected Breach or Unauthorized Disclosure.
  3. The Data Protection Officer, or designee, shall take the following steps after receiving a report of a possible Breach or Unauthorized Disclosure of Protected Information:
    - a. promptly acknowledge receipt of the report;
    - b. determine, in consultation with appropriate technical staff, what, if any, technology-based steps should be taken immediately to secure against further compromise of Protected Information;
    - c. conduct a thorough factfinding to determine whether there has been a Breach or Unauthorized Disclosure of Protected Information, and, if so, the scope of the Breach or Unauthorized Disclosure and how it occurred;
    - d. if a Breach or Unauthorized Disclosure of Protected Information is found to have occurred, implement the Cybersecurity Incident Response Plan to correct and ameliorate the Breach or Unauthorized Disclosure and provide appropriate notifications to the SED Chief Privacy Officer and affected Data Subjects; and
    - e. when the factfinding process is complete, provide the reporting party with the findings made at the conclusion of the factfinding process; this should occur no later than 60 days after the receipt of the initial report, and, if additional time is needed, the reporting

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party shall be given a written explanation within the 60 days that includes the approximate date when the findings will be available.

4. The Data Protection Officer shall maintain a record of each report received of a possible Breach or Unauthorized Disclosure, the steps taken to investigate the report, and the findings resulting from the investigation in accordance with applicable record retention policies, including Records Retention and Disposition Schedule ED-1.
5. When this reporting and factfinding process results in confirmation of a Breach or Unauthorized Disclosure of Protected Information, the Data Protection Officer, or designee, shall follow the notification procedures described in Part VIII. B., below.
6. The availability of this process for reporting suspected Breaches or Unauthorized Disclosures of Protected Information shall be communicated to all staff and all student households, in addition to the general posting of this Policy on the District website.

B. Notification of Breach or Unauthorized Disclosure of Protected Information

1. Third Parties who learn of the Breach or Unauthorized Disclosure of Protected Information received from the District are required by law to notify the District of that occurrence no more than seven days after their discovery of the Breach or Unauthorized Disclosure. When the District receives such a notification, the Data Protection Officer, or designee, shall promptly obtain from the Third Party the following information if it is not already included in the notice:
  - a. a brief description of the Breach or Unauthorized Disclosure;
  - b. the dates of the incident;
  - c. the dates of the discovery by the Third Party;
  - d. the types of Protected Information affected; and
  - e. an estimate of the number of records affected.
2. When the District is notified by a Third Party of a Breach or Unauthorized Disclosure of Protected Information in the custody of the Third Party, the Data Protection Officer shall notify the Chief Privacy Officer of the State Education Department of that information within ten calendar days of

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receiving it from the Third Party, using the form provided by the Chief Privacy Officer.

3. When the District learns of an Unauthorized Disclosure of Protected Information originating within the District, whether as the result of a report made under this Policy or otherwise, the Data Protection Officer shall notify the Chief Privacy Officer of the State Education Department of that information within ten calendar days of discovering the Unauthorized Disclosure, using the form provided by the Chief Privacy Officer.
4. When the District has received notification from a Third Party of a Breach or Unauthorized Disclosure of Protected Information, or has otherwise confirmed that a Breach or Unauthorized Disclosure of Protected Information has occurred, the District shall notify all affected Data Subjects by first class mail to their last known address, by email, or by telephone, of the Breach or Unauthorized Disclosure. Notifications by email shall be copied into the record of the incident. Logs of telephone notifications shall be maintained with each record signed by the District employee making the contact. Each notification shall include the following information:
  - a. each element of information described in paragraph 1 above,
  - b. a brief description of the District investigation of the incident or plan to investigate; and
  - c. contact information for the Data Protection Officer as a point of contact for any questions the Data Subject may have.
5. The notification of affected Data Subjects shall be made in the most expedient way possible and without unreasonable delay, but no later than 60 calendar days after the discovery of the Breach or Unauthorized Disclosure or the receipt of the notice from the Third Party. If notification within the 60 day period would interfere with an ongoing law enforcement investigation or would risk further disclosure of Protected Information by disclosing an unfixed security vulnerability, notification may be delayed until no later than seven calendar days after the risk of interfering with the investigation ends or the security vulnerability is fixed.
6. Where notification of affected Data Subjects is required because of a Breach or Unauthorized Disclosure attributed to a Third Party, the Data

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Protection Officer shall prepare and submit to the Third Party a claim for reimbursement, as provided in Section 2-d of the Education Law.

7. Where notification of affected Data Subjects is required because of a Breach or Unauthorized Disclosure of Protected Information under this Policy, the Data Protection Officer shall also determine whether the District is required to provide any notifications pursuant to the Information Security Breach policy.

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Madison Central School District

Legal Ref: NYS Education Law Section 2-d; Family Educational Rights and Privacy Act  
FERPA 20 U.S.C. 1232g

Cross Ref: 7500 Education Records  
5405 Information Security Breach

Adopted: \_\_\_\_\_

## STUDENTS

Policy is Required  
EDUCATION OF HOMELESS CHILDREN

### I. Statement of Policy

- A. A child who is homeless, within the meaning of this Policy, shall be enrolled in a District school or receive other educational services identified in this Policy, whether or not that child otherwise qualifies as a resident of the District. Children who are homeless shall not be segregated in a separate building, or a separate program within a building, based on their status as homeless, and will be provided services comparable to those provided to other students of the District.
- B. This Policy shall be interpreted and applied in a manner such that the Madison Central School District (the District) meets its clear obligations under New York State Education Law Section 3209 and related Regulations of the Commissioner, and the McKinney-Vento Homeless Education Assistance Act (42 USC 11431 et seq.), as amended and reauthorized.
- C. Information about a homeless student's living situation shall not be treated as directory information for purposes of applying the District's Educational Records Policy.

### II. Definitions

- A. The term "child" is used in this Policy to refer to:
  - 1. any person who is between the ages of five (5) and twenty-one (21) or is an eligible pre-school student and who has not obtained a high school diploma,
  - 2. a migratory child as defined in Section 1309(2) of the Every Child Succeeds Act of 2015, and
  - 3. an unaccompanied youth, as that term is defined in the McKinney-Vento Homeless Assistance Act, who is not residing with someone other than a parent or legal guardian for the sole reason of enrolling as a student in the District.
- B. The term "school of origin" refers to the school district in which the child attended when permanently housed, or the school in which the child last enrolled, including preschool or a charter school. Provided that, for a homeless child who completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools. Where the child is to attend school in the school district of origin because the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school age sibling who attends school in the school district of origin, the school of

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origin shall include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be homeless.

2. the designated receiving school at the next grade level for all feeder schools in the applicable school district where the child completes the final grade level in the school last attended, or
3. any public school or preschool in the district of origin which the child could have attended based on the child's last residence before becoming homeless, where
  - a. the child becomes homeless after becoming eligible to apply, register or enroll in kindergarten or a preschool program in the district of origin, or
  - b. the child is living with a school age sibling who attends school in the district of origin.

III. Status as Homeless

- A. A child is homeless, for purposes of this Policy, if the child:
  1. lacks a fixed, regular, and adequate night-time residence, or
  2. has a primary night-time location that is either:
    - a. a supervised shelter (publicly or privately operated) that is designed to provide temporary living accommodations; or
    - b. a place (public or private) that is not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- B. Among other possible situations, a child shall be considered to lack a fixed, regular, and adequate night-time residence if that child is:
  1. sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
  2. living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; or
  3. abandoned in hospitals.



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- C. A child who is in foster care, or who is receiving educational services under Sections 3202(4), (5), (6), or (6-a), or Articles 81, 85, 87, or 88 of the Educational Law, is not considered homeless for purposes of this Policy.

## IV. Homeless Liaison

The Superintendent shall designate a District administrator to serve as the District's local Liaison for Homeless Children, and shall promulgate an administrative regulation that describes the Liaison's responsibilities to ensure that the District complies with applicable statutes and regulations. One responsibility of the Liaison for Homeless Children shall be to review the District's policies and procedures, including transportation guidelines, to identify any policy or practice that acts as a barrier to the enrollment, attendance, school success, or retention of homeless children in the District, and to recommend to the Superintendent how a policy or practice may be revised to eliminate such a barrier.

## V. Designation of School Choice and Enrollment

- A. The District shall use an enrollment form that requests information about the living arrangements of the child being enrolled, sufficient to make an assessment of whether the child should be initially enrolled or provided services as a homeless child, pending final determination. When the information provided on the enrollment form indicates that a child should initially be classified as homeless, the District shall obtain a designation of whether the child chooses to attend school:
1. in a school in the district where the child's temporary housing or residential program for runaway and homeless youth is located, including, where a student enrolled in this District moves to a temporary housing location elsewhere in this District, the District school serving the attendance area in which the temporary housing is located (school of location); or
  2. in a school in the district where the child was last enrolled or attending or was entitled to attend, or where the child had a sibling attending, immediately prior to becoming homeless (school of origin); or
  3. in a school district participating in a regional placement plan (if there is one).
- B. The designation described in Section A, above, shall be made on the form provided by the Commissioner of Education (STAC-202), which the District shall make available. The District shall also use this form to collect information whenever a currently enrolled student initiates a change of address or claims homeless status. The District will honor a designation that is made:

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1. by the child's parent, or person in parental relation;
  2. if the child is not in the physical custody of a parent or legal guardian, by the child with guidance and assistance from the Liaison for Homeless Children; or
  3. if the child is living in a residence for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, by the director of that residence in consultation with the child.
- C. Prior to the end of the first semester of attendance or within 60 days of commencing attendance at a school designated pursuant to this Policy, whichever occurs later, the designator may change the designation if the designator finds the original designation to be educationally unsound.
- D. If this District is designated as the District the child chooses to attend, the Superintendent shall ensure that:
1. the designation form has been completed properly, and copies of the designation form are distributed as required;
  2. the child is admitted to instruction pending a complete evaluation of the child's status as homeless, even if the child is unable to produce the records normally required for enrollment, such as previous academic records, records of immunization and /or other required health records and proof of residency;
  3. the child is provided access to all District programs, activities, and services to the same extent as a resident student;
  4. the school district where the child's records are located is immediately requested to provide a copy, including coordination of the transfer of records for students with disabilities;
  5. the parent or guardian of the student in temporary housing is referred to the District's McKinney-Vento liaison; and
  6. if this District is also the district of location, and the child's temporary housing location is not operated by the local Department of Social Services or a residential program for runaway youth, SED is provided with a statement of the basis for the determination that the child is homeless and entitled to attend the District's schools, along with the completed designation form.

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- E. After the initial assessment of homeless status based on the enrollment form, the Homeless Liaison shall make a complete inquiry into the student's status and make a recommendation to the Superintendent as to whether the child should continue to be classified as a homeless student, or be classified as a resident student or a non-resident student. If the Superintendent determines that the child should not be classified as a homeless child, then the Superintendent shall:
1. provide a written explanation to the person(s) making the designation, including an explanation of the appeal process; the availability of the McKinney-Vento liaison to assist the designator with the appeal process, and complete necessary forms; and
  2. defer for at least thirty (30) days a decision to deny enrollment, transportation, or other services to the child, and continue that deferral until the conclusion of any appeal process that is commenced with the Commissioner of Education with a stay application.
- F. After receiving the designation form, the Homeless Liaison shall make a determination whether the designation made by the designator is consistent with the best interests of the homeless student.
1. In making the best-interest determination, the Homeless Liaison shall presume that keeping the child in the school of origin is in the child's best interests except where it is contrary to the wishes of the parent or guardian or unaccompanied youth; and shall consider student-centered factors such as the effect of mobility on student achievement, education, health and safety of the child, giving priority to the wishes of the child's parent or guardian or the unaccompanied youth.
  2. If it is determined that it is in the best interest of the child to attend a school other than the school of origin or the school designated by the designator, the Homeless Liaison shall provide the parent or guardian, or unaccompanied youth, with a written explanation of the determination and an explanation of their right to appeal.
- G. When a District school is the school of origin of a homeless student, and the student continues to attend that school while in temporary housing elsewhere, the student will be allowed to maintain enrollment in the school of origin for the duration of the homelessness and through the end of the school year in which the student becomes permanently housed. The student may remain enrolled in that school in the school year following the school year in which the student becomes permanently housed, if that additional year will be the student's last year of attendance in that school.

## VI. Tuition Reimbursement

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- A. If a child classified as homeless under this Policy validly chooses to attend school in this District, and the student's temporary housing is located in this District, and the child's school district of origin is within New York State, the Superintendent shall take the necessary steps to obtain reimbursement by the State Education Department or another school district in the State for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the Commissioner for the period of time for which such services are provided.
- B. Where the a homeless child was attending a school district on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless is located outside the State, and the child's temporary housing is located in this District, the child shall be deemed a resident of this District and shall be entitled to attend the schools of this District without payment of tuition.

## VII. Students With A Disability

If a child who has been receiving services as a child with a disability in another school district relocates to this District during the same school year the child has received those services, and that child is classified as homeless for purposes of this Policy, and that child makes a valid election to attend school in this District, then that child will be provided a free appropriate public education, including services comparable to those described in the individual education plan (IEP) prepared in the prior district of attendance.

## VIII. Transportation

- A. When a child is classified as homeless for purposes of this Policy, the District will provide transportation between the child's temporary housing location and the school the child has designated for attendance, as set forth in this part. ~~consistent with the following:~~
  - 1. If the child is living in a facility operated by the Department of Social Services or otherwise eligible for benefits under the Social Services Law, transportation will first be sought from the applicable agency, or transportation will be provided at the request of the agency if the agency agrees to be directly billed for the cost of the transportation.
  - 2. If the child is living in a residential facility for runaway and homeless youth, including a facility located outside the District, and a District school is designated as the school of attendance, the District will provide transportation and promptly request reimbursement from the State Education Department using the form provided by the Department.

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3. When a District school is the school of origin and that school is designated as the school of attendance, the District will provide transportation between the school of origin and the student's temporary housing, whether that location is within the District or outside the District, if the child is not entitled to receive transportation from the Department of Social Services.
  4. If a District school is designated as the school of attendance (but is not the school of origin) and the child's temporary housing is located within the District, transportation will be provided to the child on the same basis it is provided to resident students, unless this creates a barrier to the child's attendance at school.
  5. If the distance between the child's temporary housing location and the school the child legally attends is more than 50 miles (one way trip), transportation will only be provided when the Commissioner of Education certifies that the transportation is in the best interest of the child.
  6. If the District recommends that a homeless student attending a District school attend a summer educational program, the District will provide transportation between the summer program and the student's temporary housing, if failure to provide that transportation would pose a barrier to the student's participation in the program.
  7. If the District is designated as the district of attendance, the District will provide a homeless student with transportation to extracurricular activities when the student participates or would like to participate in extracurricular or academic activities, the student meets the eligibility criteria for the activity, and the lack of transportation would pose a barrier to the student's participation in the activity.
  8. Transportation to and from the child's temporary housing location and the school the child legally attends will be arranged in the most cost effective manner, including cooperative arrangements with neighboring districts when feasible.
  9. If there is a dispute regarding the child's entitlement to transportation as a homeless child, the District will provide transportation pending a final determination of the child's status.
- B. Expenditures for the transportation of a parent accompanying a homeless child shall be paid by the District only when:
1. the child is being transported using public transportation, transportation of the child with an accompanying parent has been determined by the District to be the most cost-effective means of transportation, and the District has

## STUDENTS

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determined that public transportation unaccompanied by the parent is inappropriate because of the child's age, the distance to be traveled, the complexity of the transportation arrangement, the need to transport the child through a high crime area, or a combination of such factors; or

2. the child is a student with a disability whose individualized education program (IEP) includes the services of a transportation aide or attendant, and providing transportation with the parent serving as the transportation aide or attendant for the child is the most cost-effective means of transportation; or
3. transportation by the parent in the parent's vehicle is the most cost-effective means of transportation.

C. Transportation will be provided to a child classified as homeless for purposes of this Policy during any disputes regarding school enrollment or selection.

## IX. Meals

A child identified as homeless for purposes of this Policy is eligible for free meals without completion of an application.

## X. Dispute Resolution

The Superintendent shall promulgate an administrative regulation that establishes a dispute resolution process that ensures that the District complies with applicable statutes and regulations.

## XI. Title I Coordination

- A. When a child who qualifies as homeless under this Policy is also eligible for services under Title I, Part A of ESSA, the District will provide those services whether or not that child lives in a Title I school attendance zone or meets the academic requirements for non-homeless children, and Title I, Part A funds will be set aside as necessary to provide homeless children who do not attend participating schools with services comparable to those provided to children in Title I, Part A funded schools.
- B. The District will include in its local plan a description of how the plan is coordinated with McKinney-Vento and services provided to homeless children.
- C. When the District reports that there are no homeless children or unaccompanied youth in non-Title I schools, the District will describe the efforts it made to identify homeless children and unaccompanied youth. As part of its efforts, the District will contact the local Department of Social Services and Office of Child

**Policy is Required**EDUCATION OF HOMELESS CHILDREN

and Family Services to determine if they have records of homeless youth living within the District.

XII. Staff Training and Public Notice

- A. The Liaison for Homeless Children shall receive annual training about the rights of homeless children and the District's responsibilities to provide educational services to homeless children.
- B. Instructional and non-instructional staff responsible for enrolling students or providing other educational services to homeless students shall receive periodic training about the rights of homeless children, the District's responsibilities to provide educational services to homeless children, and the District's policies and procedures for meeting its responsibilities, scheduled with sufficient frequency to ensure that staff are aware of substantive changes in the law or the District's policies and procedures.
- C. Public notice of the educational rights of homeless children shall be distributed by the District in places where families and youth are likely to be present, and in a manner and form understandable to parents, guardians, and unaccompanied youth. Where feasible, information shall be provided in native languages common in the District and in a format geared for individuals with low literacy skills. The Liaison for Homeless Children shall maintain records of where and when such information is distributed and the format used.

XIII. Coordination With Other Policies

- A. In the event that the District, an academic department, or a teacher maintains a policy or procedure that conditions a student's academic status or participation in a school activity on a seat-time or minimum attendance requirement, a student's absence related to being homeless shall not be counted as absence for purposes of determining the student's academic status or eligibility to participate in the activity.
- B. A student whose attendance is interrupted by homelessness, as defined in this Policy, shall be awarded full or partial transcript credit, as appropriate, for work completed in a previous school of enrollment, or in the District, and shall be readmitted to continue education without penalty.
- C. The transportation provisions of this Policy shall be deemed to modify any other District Policy regarding student transportation to the extent necessary to accomplish the purposes of this Policy.

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- D. Enrollment of a homeless student, and the eligibility of a homeless student to participate in an educational program or school activity of the District, shall not be denied because of outstanding fees or fines.

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Madison Central School District

Legal Ref: 8 NYCRR 100.2; NYS Education Law §§3202, 3209; 42 USC 11431, 11434A, 11342, 1758; 20 USC 6312, 6313; Every Student Succeeds Act of 2015 (ESSA)

Adopted: 07/10/12

Revised: 07/08/15, 09/18/18, \_\_\_\_\_



# Policy

Draft 4/09/2020

STUDENTS

7500 Replaces/Combines 7500 and 7500.1

**POLICY IS REQUIRED**  
EDUCATION RECORDS

## I. Purpose

The Board of Education (the Board) recognizes its obligation to maintain the confidentiality of student education records and to grant parents/guardians and eligible students access to those records in accordance with the Family Educational Rights and Privacy Act.

## II. Definitions and Designations

- A. Records Access Officer: The District's Records Access Officer is the Clerk of the Board:

Madison Central School District  
7303 State Route 20  
Madison, New York 13402

- B. Parent: The term "Parent" includes natural parent, a guardian or an individual acting as parent or guardian in the absence of the student's parent or guardian.

- C. Eligible Student: The term "Eligible Student" means a student who has reached age 18 or is attending post-secondary school.

- D. Education Records: The term "Education Records" includes records, files, documents and other materials which contain information directly related to a student and are maintained by the Madison Central School District (District) or a person acting on behalf of the District.

Education Records may exist in any form, including but not limited to print, computer media, video or audiotape, film, microfilm, microfiche and other materials which contain confidential information directly related to a student and which are maintained by the District or a party acting on behalf of the District. Education records do not include:

1. Certain Records in the Sole Possession of the Maker: Records made by instructional, supervisory, administrative personnel or ancillary educational personnel which are in the sole possession of the maker and which are not accessible or revealed to any other person except a substitute for the maker of the record;
2. Employee Records: Records maintained solely with respect to a person's status as an employee rather than as a student;

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3. Certain Medical & Psychological Records: Medical and psychological treatment records of an eligible student are not education records if they are maintained and used only in connection with treatment of the eligible student and disclosed only to individuals providing the treatment, including treatment providers in the student's school.
  4. Post Enrollment Records: Records that only contain information about an individual after he/she is no longer a student at the District (for example, records of alumni activities);
- E. Directory Information: The District designates the following information as Directory Information: student's name, parent's name, address, date and place of birth, telephone number, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, and awards received, most recent previous educational agency attended by student, photograph, and video images of students engaged in routine activities when those images are not records of the district's law enforcement unit. ~~Directory information will not be provided online.~~

III. Rights of Parents and Eligible Students:

- A. Each parent of a student has the rights described in this policy, unless the District has been provided with evidence that there is a court order, statute or legally binding document related to such matters as divorce, separation or custody that specifically revokes these rights.
- B. When a student becomes an eligible student (18 or attending a post-secondary school) all rights accorded to parents and consent required of parents, transfer from the parents to the eligible student. However, the District does not require the consent of the eligible student:
  1. To disclose the education record to the parent if the eligible student is claimed by the parent as a dependent for tax purposes.
  2. To disclose the education record to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
  3. A school official may generally share with a parent information that is based on that official's personal knowledge or observation of the student.

IV. Confidentiality of Education Records:

- A. The District will not release education records, including personally identifiable information contained in Education Records, except:

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1. Written Consent: The District may release the information, if prior to the release of information, the District receives written consent from the parent. The written consent must specify the information to be released, the reason for the release, and to whom the information may be released. The District will give the parent or student a copy of the information released, if requested by the parent.
2. Directory Information: The District may release Directory Information if the District has properly circulated its annual FERPA notification to parents of students in attendance and eligible students in attendance, unless the parent or eligible student has submitted Regulation 7500.4 restricting the District's ability to release this information.
3. Military Recruiters: The District will disclose to requesting military recruiters the names, addresses and telephone numbers of juniors and seniors, unless the parent or eligible student has submitted Regulation 7500.4 prohibiting such release.
4. School Officials with a legitimate educational interest: The District may release the information to other school officials, including teachers within the District who have a legitimate educational interest in the information. The District will use reasonable methods to ensure that school officials have access only to the education records in which the school officials have a legitimate educational interest.
  - A school official is: A person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff; a person elected to the Board; a person or company employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist; a parent or student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks. A school official may be a contractor, consultant, volunteer or other party to whom the District has outsourced instructional services and functions if that individual or entity is performing services district employees otherwise perform (is not selling products or services), is under the direct control of the district with respect to the use and maintenance of the education records and is restricted from re-disclosing the education records except as permitted by FERPA.
  - A school official has a legitimate educational interest if the official is: Performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's

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education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid; or maintaining the safety and security of the campus.

- The District receives services from the **Madison-Oneida** BOCES Regional Information Center and its vendors in accordance with FERPA. A request for a complete list of current vendors may be submitted to the Records Access Officer.
5. Student seeks to enroll in a different school: The District may release student records to officials of other schools in which the student seeks or intends to enroll, provided that the student's parents are notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
  6. Certain State and Federal Officials: The District may release information to authorized officials of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education or certain State and Local Educational authorities.
  7. Financial Aid: The District may release information to appropriate parties in connection with a student's application for or receipt of financial aid.
  8. Authorized organizations performing studies: The District may release information to organizations conducting studies for or on behalf of the District to develop, validate or administer predictive tests, administer student aid programs or improve instruction, provided that appropriate safeguards are implemented in accordance with federal regulations.
  9. Accrediting Organizations: The District may release information to authorized accrediting organizations to carry out their accrediting functions.
  10. Court Order or Subpoena: The District may release information pursuant to a valid court order or subpoena, provided that the District makes a reasonable effort to notify the affected parent or eligible student of the court order or subpoena in advance of the release of the information (except that in certain cases, such as in the case of certain subpoenas issued under the U.S. Patriot Act, the court order or subpoena may require release of information without advance notice to the parents).
  11. Victim of Specified Crimes: In certain instances, the District may release to the victim of a specified crime, the final results of a disciplinary

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EDUCATION RECORDS

proceeding commenced against the alleged perpetrator, provided that the release conforms to the requirements of 34 CFR 99.39. The final results may only include the name of the student, the offense committed and the sanction imposed by the District.

12. Information Concerning Registered Sex Offenders: The District may release information provided to it under 42 USC 14071 and the applicable Federal Guidelines.
13. Child Welfare Agencies: The District may release information to an agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan and when the agency or organization is legally responsible for the child's care and protection to provide accurate information about a child's education history and needs to make informed placement recommendations to the court.
14. Release in connection with an emergency necessary to protect health or safety: The District may release information to appropriate parties in connection with an emergency if the release is necessary to protect the health or safety of the student or other persons. The District will consider the following criteria when determining whether the information should be disclosed:
  - The seriousness of the threat to the health of the student or other individuals;
  - The need for the information to meet the emergency;
  - Whether the parties to whom the information is disclosed are in a position to deal with the emergency;
  - The extent to which time is of the essence in dealing with the emergency.

The District will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed

- B. If the District discloses student records to a third party as permitted by this policy, the District will:
  1. Advise the third party of its duty to refrain from redisclosing the information and of its obligation to maintain the confidentiality of the

POLICY

Draft 4/09/2020

STUDENTS

7500 Replaces/Combines 7500 and 7500.1

**POLICY IS REQUIRED**  
**EDUCATION RECORDS**

information in accordance with the *Family Educational Rights and Privacy Act*.

2. If possible, attach to the disclosed record the following statement: “This document contains personal information from a student’s education records. It is protected by the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and may not be re-released without consent of the parent or eligible student.”

V. Requests to Inspect Education Records:

- A. Request: A parent who is interested in inspecting the student’s education record must submit his/her request to the Records Access Officer between the hours of 9 am and 3 pm on any school day. Requests should be submitted in writing, on a form provided by the District (Regulation 7500.1). Copies of the form are available in the office of the Records Access Officer. If a parent makes an oral request for access to the education record during a school conference, the District may provide the parent access to the education record even though it has not received the request in writing. The District shall take appropriate steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual’s authority to do so.
- B. Response: Within forty-five days of his/her receipt of a request for inspection, the Records Access Officer must provide the parent/guardian with an opportunity to inspect and review his or her child’s education records or advise the person making the request, the records specified in the request are not available for inspection.
  1. Records Available: If the records are available for inspection, the Records Access Officer will advise the requestor when and where the record will be available for inspection. If the records contain information about more than one student, the Records Access Officer will remove from the copy of the records shown to the requester, any information which in his/her judgment would constitute an unwarranted invasion of personal privacy of any party (other than the student for whom the inspection has been requested).
  2. Records Not Available: If the records are not available for inspection, the Records Access Officer will note the reason for the unavailability on the request form and will return a copy of the request form to the requesting party.
  3. Explanation of Records: The Records Access Officer will respond to reasonable requests for explanations and interpretations of the records.

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Draft 4/09/2020

STUDENTS

7500 Replaces/Combines 7500 and 7500.1

**POLICY IS REQUIRED**  
**EDUCATION RECORDS**

4. Copying Fee: The fee for copies of records is twenty-five cents per page, which is required to be paid at the time the copy is requested. The District will waive the fee if the fee effectively denies the parent an opportunity to inspect and review the education record.
5. Maintaining a record of requests: The Records Access Officer shall keep with the education record of each student, a record of all individuals, agencies or organizations which have requested or obtained access to the student's record (Regulation 7500.2) and a record of all re-disclosures it has authorized.
  - The record will indicate the parties who requested or received the information and the legitimate interest the party had in the information.
  - The District does not have to keep this record if the requester is the parent or eligible student, a school official with a legitimate educational interest in the information, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking information through certain subpoenas or court orders where the issuing court or agency has ordered that the existence or the contents of the subpoena or information not be disclosed.

VI. Request to Amend Education Records:

- A. If a Parent believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.
  1. The request shall be directed to the Records Access Officer during regular business hours on the prescribed form. Copies of the form are available in the Superintendent's office or the office of the Records Access Officer. (See Regulation No. 7500.3).
  2. The request shall identify, in writing, the record or records which the Parent believes to be inaccurate, misleading or otherwise in violation of the student's rights of privacy, with a statement of the reasons for the challenge to the record.
- B. The Records Access Officer will make a written response to the request to amend an education record within twenty days of his/her receipt of the request. The response will indicate whether the Records Access Officer:

## POLICY

Draft 4/09/2020

STUDENTS

7500 Replaces/Combines 7500 and 7500.1

### **POLICY IS REQUIRED** EDUCATION RECORDS

1. Finds that the record in question is inaccurate, misleading or an invasion of the student's rights of privacy and that the record will be amended as requested, or
  2. Finds that there is an insufficient basis to amend the record in question. If the Records Access Officer finds that there is an insufficient basis to amend the record in question, he/she will notify in writing the requesting party of the opportunity for a hearing and will provide the requesting party with a form to request the hearing.
- C. Through informal meetings with the Parents, the settlement of a dispute regarding content of education records is encouraged.
- VII. Request for Hearing:
- A. Request: If a parent disagrees with the Records Access Officer's finding that there is an insufficient basis to amend the education record the parent may request a hearing. The request must be submitted to the Superintendent within ten days of the parent's receipt of the Records Access Officer's decision, on a form provided by the District. The hearing will be conducted within ten days of the Superintendent's receipt of the request for a hearing.
  - B. Notice: The District will mail a hearing notice to the requesting party reasonably in advance of the hearing. The hearing notice will include the date, time and place of the hearing.
  - C. Hearing: The Hearing will be conducted by the Superintendent (or by another person designated by the Superintendent who does not have a direct interest in the outcome of the hearing). During the hearing, the requesting party may be represented by an individual or individuals (including an attorney) at his/her own expense. The requesting party will have a full and fair opportunity to present relevant evidence.
  - D. Decision: The Superintendent (or designee) will submit a written decision within ten days after completion of the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
    1. If the Superintendent (or designee) finds that the record should be amended, he/she will amend the record and will inform the parent of the amendment in writing.
    2. If the Superintendent (or designee) finds that the record should not be amended, he/she will inform the parent in writing of the right to place a statement in the record commenting on the contested information and/or



POLICY

Draft 4/09/2020

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7500 Replaces/Combines 7500 and 7500.1

**POLICY IS REQUIRED**  
**EDUCATION RECORDS**

stating why he/she disagrees with the decision of the District. The District will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

VIII. Notification of Rights:

- A. The District shall annually disseminate a notice to parents and eligible students of their rights relative to education records. The notice will allow parents at least thirty days to ask the District not to disclose some or all of the directory information. (See Regulation No. 7500.4).
- B. Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA. Written complaints may be filed with: The Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

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Madison Central School District

Legal Ref: The Federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232; 34 CFR 99; October 9, 2002 Joint Memorandum from Secretary of Education Rod Paige and Secretary of Defense Donald H. Rumsfeld; February 7, 2003 Memorandum to Superintendent's from LeRoy S. Rooker, Director of the Family Policy Compliance Office, US Dept. of Education; Uninterrupted Scholars Act, 8 NYCRR 121.12(b)

Adopted: 1984

Revised: 05/19/99, 05/13/04, 12/16/15, \_\_\_\_\_

# Madison Central School District

## SUPERINTENDENT'S REGULATION

DELETE

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

#### I. Purpose:

The District implements this regulation to maintain the confidentiality of student records and to provide parents and eligible students with the opportunity to inspect and review education records, to seek to amend education records, and to consent to the disclosure of education records.

#### II. Definitions and Designations:

- A. Records Access Officer: The District's Records Access Officer is the Clerk of the Board:

Madison Central School District  
7303 State Rt. 20  
Madison NY 13402  
Telephone: (315) 893-1878

- B. Parent: The term "Parent" includes natural parent, a guardian or an individual acting as parent or guardian in the absence of the student's parent or guardian.

- C. Eligible Student: The term "Eligible Student" means a student who has reached age 18 or is attending post-secondary school.

- D. Education Records: The term "Education Records" includes records, files, documents and other materials which contain information directly related to a student and are maintained by the District or a person acting on behalf of the District.

Education Records may exist in any form, including but not limited to print, computer media, video or audio tape, film, microfilm, microfiche and other materials which contain confidential information directly related to a student and which are maintained by the District or a party acting on behalf of the District. Education records do not include:

1. Certain Records in the Sole Possession of the Maker: Records made by instructional, supervisory, administrative personnel or ancillary educational personnel which are in the sole possession of the maker and which are not accessible or revealed to any other person except a substitute for the maker of the record;
2. Employee Records: Records maintained solely with respect to a person's status as an employee rather than as a student;

# Madison Central School District

## SUPERINTENDENT'S REGULATION

DELETE

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

3. Certain Medical & Psychological Records: Medical and psychological treatment records of an eligible student are not education records if they are maintained and used only in connection with treatment of the eligible student and disclosed only to individuals providing the treatment, including treatment providers in the student's school.
4. Post Enrollment Records: Records that only contain information about an individual after he/she is no longer a student at the District (for example, records of alumni activities);
- E. Directory Information: The District designates the following information as Directory Information: student's name, parent's name, address, date and place of birth, telephone number, email address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous educational agency attended by student, photograph, and video images of students engaged in routine activities when those images are not records of the district's law enforcement unit. Directory information will not be provided online.

### III. Rights of Parents and Eligible Students:

- A. Each parent of a student has the rights described in this policy, unless the District has been provided with evidence that there is a court order, statute or legally binding document related to such matters as divorce, separation or custody that specifically revokes these rights.
- B. When a student becomes an eligible student (18 or attending a post-secondary school) all rights accorded to parents and consent required of parents, transfer from the parents to the eligible student. However, the District does not require the consent of the eligible student:
  1. To disclose the education record to the parent if the eligible student is claimed by the parent as a dependent for tax purposes.
  2. To disclose the education record to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
  3. A school official may generally share with a parent information that is based on that official's personal knowledge or observation of the student.

### IV. Confidentiality of Education Records:

# Madison Central School District

## SUPERINTENDENT'S REGULATION

**DELETE**

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

- A. The District will not release education records, including personally identifiable information contained in Education Records, except:
1. Written Consent: The District may release the information if prior to the release of information, the District receives written consent from the parent. The written consent must specify the information to be released, the reason for the release and to whom the information may be released. The District will give the parent or student a copy of the information released, if requested by the parent.
  2. Directory Information: The District may release Directory Information if the District has properly circulated its annual FERPA notification to parents of students in attendance and eligible students in attendance, unless the parent or eligible student has submitted Regulation 7500.5 restricting the District's ability to release this information.
  3. Military Recruiters: The District will disclose to requesting military recruiters the names, addresses and telephone numbers of juniors and seniors, unless the parent or eligible student has submitted Regulation 7500.5 prohibiting such release.
  4. School Officials with a legitimate educational interest: The District may release the information to other school officials, including teachers within the District who have a legitimate educational interest in the information. The District will use reasonable methods to ensure that school officials have access only to the education records in which the school officials have a legitimate educational interest.
    - A school official is: A person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff; a person elected to the School Board; a person or company employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist; a parent or student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks. A school official may be a contractor, consultant, volunteer or other party to whom the District has outsourced instructional services and functions if that individual or entity is performing services district employees otherwise perform (is not selling products or services), is under the direct control of the district with respect to the use and maintenance of the education records and is

# Madison Central School District

## SUPERINTENDENT'S REGULATION

DELETE

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

restricted from re-disclosing the education records except as permitted by FERPA.

- A school official has a legitimate educational interest if the official is: Performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid; or maintaining the safety and security of the campus.
  - The District receives services from the Madison Oneida BOCES Regional Information Center and its vendors in accordance with FERPA. A request for a complete list of current vendors may be submitted to the Records Access Officer.
5. Student seeks to enroll in a different school: The District may release student records to officials of other schools in which the student seeks or intends to enroll, provided that the student's parents are notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
  6. Certain State and Federal Officials: The District may release information to authorized officials of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education or certain State and Local Educational authorities.
  7. Financial Aid: The District may release information to appropriate parties in connection with a student's application for or receipt of financial aid.
  8. Authorized organizations performing studies: The District may release information to organizations conducting studies for or on behalf of the District to develop, validate or administer predictive tests, administer student aid programs or improve instruction, provided that appropriate safeguards are implemented in accordance with federal regulations.
  9. Accrediting Organizations: The District may release information to authorized accrediting organizations to carry out their accrediting functions.
  10. Court Order or Subpoena: The District may release information pursuant to a valid court order or subpoena, provided that the District makes a reasonable effort to notify the affected parent or eligible student of the court order or subpoena in advance of the release of the information (except that

# Madison Central School District

## SUPERINTENDENT'S REGULATION

**DELETE**

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

in certain cases, such as in the case of certain subpoenas issued under the U.S. Patriot Act, the court order or subpoena may require release of information without advance notice to the parents).

11. Victim of Specified Crimes: In certain instances, the District may release to the victim of a specified crime, the final results of a disciplinary proceeding commenced against the alleged perpetrator, provided that the release conforms to the requirements of 34 CFR 99.39. The final results may only include the name of the student, the offense committed and the sanction imposed by the District.
12. Information Concerning Registered Sex Offenders: The District may release information provided to it under 42 USC 14071 and the applicable Federal Guidelines.
13. Child Welfare Agencies: The District may release information to an agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan and when the agency or organization is legally responsible for the child's care and protection to provide accurate information about a child's education history and needs to make informed placement recommendations to the court.
14. Release in connection with an emergency necessary to protect health or safety: The District may release information to appropriate parties in connection with an emergency if the release is necessary to protect the health or safety of the student or other persons. The District will consider the following criteria when determining whether the information should be disclosed:
  - The seriousness of the threat to the health of the student or other individuals;
  - The need for the information to meet the emergency;
  - Whether the parties to whom the information is disclosed are in a position to deal with the emergency;
  - The extent to which time is of the essence in dealing with the emergency.

# Madison Central School District

## SUPERINTENDENT'S REGULATION

DELETE

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

The District will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed

- B. If the District discloses student records to a third party as permitted by this policy, the District will:
1. Advise the third party of its duty to refrain from redisclosing the information and of its obligation to maintain the confidentiality of the information in accordance with the *Family Educational Rights and Privacy Act*.
  2. If possible, attach to the disclosed record the following statement: "This document contains personal information from a student's education records. It is protected by the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and may not be re-released without consent of the parent or eligible student."

#### V. **Requests to Inspect Education Records:**

- A. Request: A parent who is interested in inspecting the student's education record must submit his/her request to the Records Access Officer between the hours of 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m. on any school day. Requests should be submitted in writing, on a form provided by the District (Regulation 7500.2). Copies of the form are available in the office of the Records Access Officer. If a parent makes an oral request for access to the education record during a school conference, the District may provide the parent access to the education record even though it has not received the request in writing.
- B. Response: Within forty-five days of his/her receipt of a request for inspection, the Records Access Officer must provide the parent/guardian with an opportunity to inspect and review his or her child's education records or advise the person making the request, the records specified in the request are not available for inspection.
1. Records Available: If the records are available for inspection, the Records Access Officer will advise the requestor when and where the record will be available for inspection. If the records contain information about more than one student, the Records Access Officer will remove from the copy of the records shown to the requester, any information which in his/her judgment would constitute an unwarranted invasion of personal privacy of any party (other than the student for whom the inspection has been requested).
  2. Records Not Available: If the records are not available for inspection, the Records Access Officer will note the reason for the unavailability on the

# Madison Central School District

## SUPERINTENDENT'S REGULATION

**DELETE**

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

request form and will return a copy of the request form to the requesting party.

3. Explanation of Records: The Records Access Officer will respond to reasonable requests for explanations and interpretations of the records.
4. Copying Fee: The fee for copies of records is twenty-five cents per page, which is required to be paid at the time the copy is requested. The District will waive the fee if the fee effectively denies the parent an opportunity to inspect and review the education record.
5. Maintaining a record of requests: The Records Access Officer shall keep with the education record of each student, a record of all individuals, agencies or organizations which have requested or obtained access to the student's record (Regulation 7500.3) and a record of all re-disclosures it has authorized.
  - The record will indicate the parties who requested or received the information and the legitimate interest the party had in the information.
  - The District does not have to keep this record if the requester is the parent or eligible student, a school official with a legitimate educational interest in the information, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking information through certain subpoenas or court orders where the issuing court or agency has ordered that the existence or the contents of the subpoena or information not be disclosed.

#### **VI. Request to Amend Education Records:**

- A. If a Parent believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.
  1. The request shall be directed to the Records Access Officer during regular business hours on the prescribed form. Copies of the form are available in the Superintendent's office or the office of the Records Access Officer. (See Regulation No. 7500.4).
  2. The request shall identify, in writing, the record or records which the parent believes to be inaccurate, misleading or otherwise in violation of the



# Madison Central School District

## SUPERINTENDENT'S REGULATION

**DELETE**

STUDENTS

7500.1 (replaced by 7500)

### EDUCATION RECORDS

student's rights of privacy, with a statement of the reasons for the challenge to the record.

- B. The Records Access Officer will make a written response to the request to amend an education record within twenty days of his/her receipt of the request. The response will indicate whether the Records Access Officer:
1. Finds that the record in question is inaccurate, misleading or an invasion of the student's rights of privacy and that the record will be amended as requested, or
  2. Finds that there is an insufficient basis to amend the record in question. If the Records Access Officer finds that there is an insufficient basis to amend the record in question, he/she will notify in writing the requesting party of the opportunity for a hearing and will provide the requesting party with a form to request the hearing.
- C. Through informal meetings with the Parents, the settlement of a dispute regarding content of education records is encouraged.

### **VII. Request for Hearing:**

- A. Request: If a parent disagrees with the Records Access Officer's finding that there is an insufficient basis to amend the education record the parent may request a hearing. The request must be submitted to the Superintendent within ten days of the parent's receipt of the Records Access Officer's decision, on a form provided by the District. The hearing will be conducted within ten days of the Superintendent's receipt of the request for a hearing.
- B. Notice: The District will mail a hearing notice to the requesting party reasonably in advance of the hearing. The hearing notice will include the date, time and place of the hearing.
- C. Hearing: The Hearing will be conducted by the Superintendent (or by another person designated by the Superintendent who does not have a direct interest in the outcome of the hearing). During the hearing, the requesting party may be represented by an individual or individuals (including an attorney) at his/her own expense. The requesting party will have a full and fair opportunity to present relevant evidence.
- D. Decision: The Superintendent (or designee) will submit a written decision within ten days after completion of the hearing. The decision must be based solely on the

# Madison Central School District

## SUPERINTENDENT'S REGULATION

STUDENTS

**DELETE**

7500.1 (replaced by 7500)

### EDUCATION RECORDS

evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

1. If the Superintendent (or designee) finds that the record should be amended, he/she will amend the record and will inform the parent of the amendment in writing.
2. If the Superintendent (or designee) finds that the record should not be amended, he/she will inform the parent in writing of the right to place a statement in the record commenting on the contested information and/or stating why he/she disagrees with the decision of the District. The District will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

#### **VIII. Notification of Rights:**

- A. The District shall annually disseminate a notice to parents and eligible students of their rights relative to education records. The notice will allow parents at least thirty days to ask the District not to disclose some or all of the directory information. (See Regulation No. 7500.5).
- B. Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA. Written complaints may be filed with: The Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

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Approved by the Superintendent: 12/16/15, 02/13/18

Legal Ref: The Federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232; 34 CFR 99; October 9, 2002 Joint Memorandum from Secretary of Education Rod Paige and Secretary of Defense Donald H. Rumsfeld; February 7, 2003 Memorandum to Superintendent's from LeRoy S. Rooker, Director of the Family Policy Compliance Office, US Dept. of Education; Uninterrupted Scholars Act

Adopted: 1984

Revised: 05/19/99, 05/13/04, 04/26/11

# Regulation

Draft 4/09/2020

STUDENTS

7500.1 Renumbered 7500.2

## APPLICATION TO INSPECT FERPA RECORDS

To: Student Records Access Officer  
\_\_\_\_\_

I hereby apply to inspect the following student's records: \_\_\_\_\_  
(Name of Student)

I hereby apply to inspect the following records: \_\_\_\_\_  
\_\_\_\_\_

I am the:             Natural Parent  
                          Legal Guardian  
                          Individual acting as parent or guardian in the absence of student's parent or guardian  
                          Student over 18 years of age

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representing

\_\_\_\_\_  
Address

### FOR SCHOOL DISTRICT ONLY

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

- Requested record cannot be found
- Requested record has been destroyed
- Requested record not maintained by school

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

NOTICE:            You have a right to request correction of the content of the school records examined if you believe such records to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student by making a request on a prescribed form directed to the above referenced Records Access Officer.

I hereby request a correction.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Madison Central School District

Approved by the Superintendent: 12/16/15, \_\_\_\_\_

Adopted: 05/19/99

Revised: 05/13/04

# Regulation

Draft 4/09/2020

7500.2 Renumbered 7500.3

STUDENTS

## STUDENT PRIVACY – RECORD OF FERPA REQUESTS

Name of Person, Agency or Organization Seeking Access	Date Requested	Records Requested	Reason for Request	Access Granted/Denied	Disposition of Request	Remarks

Madison Central School District

Approved by the Superintendent: 12/16/15, \_\_\_\_\_

Adopted: 05/19/99

Revised: 05/13/04

# Regulation

STUDENTS

Draft 4/09/2020  
7500.3 Renumbered 7500.4

## REQUEST TO CORRECT FERPA RECORDS

To: Student Records Access Officer  
\_\_\_\_\_

I request a correction of the following school records related to: \_\_\_\_\_  
(Name of Student)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My grounds for requesting such correction are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representing

\_\_\_\_\_  
\_\_\_\_\_  
Mailing Address

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Madison Central School District  
Approved by the Superintendent: 12/16/15, \_\_\_\_\_  
Adopted: 05/19/99  
Revised: 05/13/04

# Regulation

Draft 4/09/2020

7500.4 Revise/Renumbered 7500.5

STUDENTS

## STUDENT PRIVACY FERPA NOTICE

Date: \_\_\_\_\_

Dear Parent or Eligible Student:

*The Family Educational Rights and Privacy Act of 1974 (FERPA)* affords parents or “eligible students” (students who are over 18 years of age or enter a postsecondary educational institution) certain rights with respect to the student’s education records. The purpose of this letter is to inform you of some of those rights and to provide you with the following contact information for the Madison Central School District’s (the District) Records Access Officer:

District Clerk  
Madison School District  
7303 State Rt. 20  
Madison NY 13402  
Telephone: (315) 893-1878

Examples of *FERPA* rights include:

1. The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Written requests for such access may be submitted to the Records Access Officer between **9:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m.** on any school day. Such requests should be submitted on the District’s *Application for Inspection of Student Records* form that is located in the Office of the Records Access Officer.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading or an invasion of the student’s privacy rights. A request for an amendment may be submitted to the Records Access Officer during regular business hours. Such requests should be submitted on the District’s *Request For Correction of Student Records* form that is located in the Office of the Records Access Officer. If the Records Access Officer denies a properly submitted request for an amendment, the person seeking the amendment will be advised of his/her right to a hearing regarding the requested amendment.
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. For example, the District may, without consent, disclose:
  - a. Personally identifiable information to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff); a person elected to the ~~School~~ Board of Education; a person or

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company with whom the School has employed by or under contract to perform a special task, (such as an attorney, auditor, medical consultant, or therapist and including entities that host and disseminate student information such as grades, homework and messages form teachers on the Internet); a parent or student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks. A school official may be a contractor, consultant, volunteer or other party to whom the District has outsourced instructional services and functions if that individual or entity is performing services district employees otherwise perform (is not selling products or services), is under the direct control of the district with respect to the use and maintenance of the education records and is restricted from re-disclosing the education records except as permitted by FERPA. A school official has a legitimate educational interest if the official is performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid; or maintaining the safety and security of the campus. The District receives services from the Madison Oneida BOCES Regional Information Center and it's vendors in accordance with FERPA. A request for a complete list of current vendors may be submitted to the Records Access Officer.

- b. Appropriately designated "directory information", unless the parent or eligible student has advised the District to the contrary by filling out and returning the below attached *Request to Limit Disclosure of Directory Information* form. The primary purpose of directory information is to allow the District to include this type of information from the student's education records in certain school publications such as a playbill (showing the student's role in a drama production), an annual yearbook, an honor roll or other recognition list, a graduation program, or a sports activity sheet (such as a wrestling program that discloses participants height or weight), etc. Directory information may also be disclosed to outside organizations such as companies that manufacture class rings or publish yearbooks or other companies. Additionally, Federal Law requires Districts receiving certain federal assistance to provide requesting military recruiters with secondary school names, addresses, telephone listings and possibly other directory information, unless parents or eligible students have advised the District that they do not want their student's information disclosed without prior written consent.
4. The right to know that the District has designated the following information as directory information: Directory Information: student's name, parent's name, address, date and place of birth, telephone number, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous educational agency attended by student, photograph, and video images of students and

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sound recordings of students engaged in routine activities when those images are not records of the District's law enforcement unit.

5. If you do not want the District to disclose directory information without your prior written consent, you must complete and return to the District the below attached form by thirty (30) days from the date of this notice.
6. The right to file a complaint with the following office if you believe the District has violated your *FERPA* rights: Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

Additionally, please be aware that:

- It is the District's policy to disclose education records without consent to officials of another school district in which a student seeks or intends to enroll, and;
- The District uses video surveillance cameras on school property and in school vehicles to maintain the physical security and safety of the campus. The District has designated its Security Office as its law enforcement unit and has assigned to them the responsibility of maintaining the video surveillance images.

Sincerely,



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**Request To Limit Disclosure of Directory Information**

District Clerk  
Madison School District  
7303 State Rt. 20  
Madison NY 13402  
Telephone: (315) 893-1878

Dear Records Access Officer:

\_\_\_\_\_ Please secure my written consent before releasing my child's name, address, telephone number and directory information to military recruiters.

\_\_\_\_\_ Please secure my written consent before releasing the following directory information to anyone:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date of Request

\_\_\_\_\_  
For District Use Only

\_\_\_\_\_  
Request Received By

\_\_\_\_\_  
Date Request Received

\_\_\_\_\_  
Madison Central School District

Approved by the Superintendent: 12/16/15

Adopted: 1984

Revised: 05/19/99, 05/13/04, 04/26/11, \_\_\_\_\_