

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK

REGULAR MEETING

BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING

TUESDAY – DECEMBER 9, 2014

AGENDA

The order of business at all regular meetings shall be as follows:

1. Call to order by presiding officer
2. Pledge of Allegiance to the Flag

[7:00 P.M. - Meeting Convenes Followed by Student
Presentation(s) and/or Executive Session]

SCOPE PRESENTATION: Pre-K Program

Mr. George Duffy, Executive Director

Mr. Michael O'Brien, Associate Director of Student Services

[8:00 P.M. - Public Session Resumes Beginning with Item #3]

3. Approval of minutes of previous meeting(s): Regular Meeting: November 25, 2014
4. Statement of the Board and/or Superintendent
5. Statement of West Babylon Teachers' Association Representatives
6. Statement of School Administrators' Association Representatives
7. Statement of C.S.E.A. Representatives
8. Statement of Student Association Representatives
9. Statement of PTA Council Representatives
10. Statement of Residents re: agenda items [15 minutes-limited to 3 minutes per speaker]*
11. Report of the Superintendent and/or Educational Presentation
12. Business Agenda [****Consent Agenda Items**]

A. BOARD OF EDUCATION

- ** (R) Approval of the Junior High School Yearbook Club for the 2014-2015 School Year (Res. #BE-1)
- ** (R) Establishment of the Senior High School Science Club (Res. #BE-2)
- ** (R) Approval of Destruction of Voting Ballots from the June 17, 2014 Budget Revote (Res. #BE-3)
- ** (R) Amendment to Superintendent's Employment Agreement (Res. #BE-4)
- ** (R) Authorization for the Board President and the Superintendent of Schools to Sign an Employment Agreement with the Senior High School Interim Assistant Principal (Res. #BE-5)
- ** (R) Approval and Ratification of the Memorandum of Agreement Between the West Babylon Union Free School District and the CSEA West Babylon Para-Professional Unit (Res. #BE-6)

B. PERSONNEL

- ** (R) 14-P-11 Professional Personnel
- ** (R) 14-C-11 Civil Service Personnel (Res. #PE-1)

C. FINANCE

- ** (R) Acceptance of Donation (Res. #FI-1)

D. CURRICULUM

- ** (R) Adoption of Senior High School Spanish Textbooks
(Res. #CU-1 through Res. #CU-3)
- ** (R) Declaration of Obsolete Library Books (Res. #CU-4)

E. FACILITIES

- ** (R) Declaration of Obsolete Equipment (Res. #FA-1)

- 13. Policy Review:
 - A. Board Review-Interscholastic Athletics (Selection Classification) (First Time Reading)
(File:5280)
 - B. Board Review-Student Records (Third Time Adoption) (File:5500)
- 14. Board of Education Committee Reports
- 15. Old Business
- 16. New Business
- 17. Follow-Up to Residents' Statements
- 18. Statements of Residents re: other district items [15 minutes-limited to 3 minutes per speaker]*
- 19. Adjournment [This should take place by 11:00 P.M.]

Please Note:



District Capital Project Bond Vote -- Tuesday, January 13, 2015 -- 7:00 A.M. to 9:00 P.M.
(Administration Building and Santapogue School)

*Per Board Policy 1230: The Board of Education encourages participation of residents at open Board meetings. The President of the Board shall ask for brief statements from residents and set a time limit (three minutes per resident) on such statements. To allow for public participation, a period not to exceed 15 minutes shall be set aside during the first and last part of each Board meeting. The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented. The President shall have the right to discontinue any presentation which violates this policy. Residents wishing to speak should identify themselves, their address, any organization they may be representing at the meeting, and the topic they wish to discuss. Statements during the first part of the meeting will relate to agenda items. Statements during the second part of the meeting will relate to other district matters.

Follow-Up to Residents' Unanswered Questions

| Date | Residents' Questions | Responses |
|--------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------|
| November 25, 2014 | ----- | ----- |
| November 12, 2014 | ----- | ----- |
| October 28, 2014 | ----- | ----- |
| October 14, 2014 | ----- | ----- |
| September 23, 2014 | Why wasn't Senator Boyle's money used for turf fields? | Senator Boyle earmarked the money (\$125,000) for the restoration of clubs and sports. |
| September 8, 2014 | ----- | ----- |
| August 26, 2014 | ----- | ----- |
| August 12, 2014 | ----- | ----- |
| July 22, 2014 | ----- | ----- |
| July 8, 2014 | ----- | ----- |
| June 24, 2014 | ----- | ----- |

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK
REGULAR MEETING
BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING
TUESDAY – DECEMBER 9, 2014
RESOLUTIONS

BOARD OF EDUCATION

****#BE-1**

RESOLVED: that the Junior High School Yearbook Club is approved for the 2014-2015 school year:

| | |
|------------------|----------------|
| Faculty Advisor: | Greg Hartranft |
| President: | Nick McGraw |
| Treasurer: | Savannah Navas |

****#BE-2**

RESOLVED: that the West Babylon Board of Education approves the establishment of the Senior High School Science Club.

| | |
|------------------|------------------|
| Faculty Advisor: | Aimee Mendoza |
| President: | Natalie Mandich |
| Vice President: | Julia Furnari |
| Secretary: | Kwynn Yee |
| Treasurer: | Nicole Palazzolo |

****#BE-3**

RESOLVED: that the West Babylon Board of Education approves the destruction of the voting ballots from the June 17, 2014 Budget Revote.

****#BE-4**

RESOLVED: that the West Babylon Board of Education approves that the provision for the payment of accrued sick leave contained in the Superintendent's second amended employment agreement shall be amended to reflect that payment shall be made in the form of an employer non-elective 403(b) contribution in the year the Superintendent retires. At no time will the retiring employee have an option over the Board's decision to make said contribution.

****#BE-5**

RESOLVED: that the West Babylon Board of Education authorizes the Board President and the Superintendent of Schools to sign an Employment Agreement with Mr. Robert Kaufold, Senior High School Interim Assistant Principal, for the period December 15, 2014 through June 30, 2015.

****#BE-6**

RESOLVED: that the Board of Education of the West Babylon Union Free School District hereby approves and ratifies a Memorandum of Agreement, dated November 26, 2014, with the West Babylon Para-Professional Unit, of the Civil Service Employees' Association.

BE IT FURTHER RESOLVED: that the West Babylon Board of Education authorizes the Board President and the Superintendent of Schools to execute the formal Collective Bargaining Agreement for July 1, 2015 through June 30, 2018, consistent with the terms of the Memorandum of Agreement.

PERSONNEL

****#PE-1**

RESOLVED: that the following schedules, as attached, are approved:

| | |
|----------------|-------------------------|
| <u>14-P-11</u> | Professional Personnel |
| <u>14-C-11</u> | Civil Service Personnel |

FINANCE

****#FI-1**

RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$500, from College Board (AP Coordination). The donation will be deposited into the Senior High School's Trust and Agency account.

CURRICULUM

**#CU-1

RESOLVED: that the textbook titled “Santillana Espanol 1” by Miguel Santana, Lori Langer de Ramirez, Eduardo Galan, et al., copyright 2011, is approved for adoption, by the West Babylon Board of Education, for use in the Spanish 1 course – Grade 9, effective September 2015.

**#CU-2

RESOLVED: that the textbook titled “Santillana Espanol 2” by Miguel Santana, Lori Langer de Ramirez, Eduardo Galan, et al., copyright 2011, is approved for adoption, by the West Babylon Board of Education, for use in the Spanish 2 course – Grade 9, effective September 2015.

**#CU-3

RESOLVED: that the textbook titled “Santillana Espanol 3” by Miguel Santana, Lori Langer de Ramirez, Eduardo Galan, et al., copyright 2011, is approved for adoption, by the West Babylon Board of Education, for use in the Spanish 3 course – Grade 10, effective September 2015.

**#CU-4

RESOLVED: that the West Babylon Board of Education declares 104 library books, located in the Tooker Avenue School library, obsolete. Ms. Kathleen Murray, Tooker Avenue School Librarian, determined the books are out-of-date, worn and no longer suitable for distribution.

FACILITIES

****#FA-1**

RESOLVED: that the West Babylon Board of Education declares the following piece of equipment, located in the Administration Curriculum Office, obsolete:

One (1) Nakajma Electronic Typewriter AE-710, Model No. EW-100

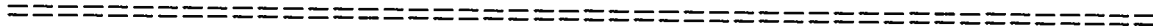
The typewriter is broken and beyond repair.

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY - DECEMBER 9, 2014

PERSONNEL

(R) Schedules: 14-P-11 Professional Personnel
 14-C-11 Civil Service Personnel



PROFESSIONAL PERSONNEL SCHEDULE

I. Professional Personnel Schedule 14-P-11

- A. Family Medical Leaves
- B. Leave of Absence Requests
- C. Regular Substitute Appointments
- D. Interim Assistant Principal/HS
- E. Club & Advisor/HS
- F. Regents Prep. Course
- G. 2014-2015 AEHS Appointments
- H. 2014-2015 Intramural Advisor
- I. Winter/Spring 2014-2015 Coaching
- J. Spring, 2015 Student Teachers/Observers/Intern
- K. 2014-2015 Per Diem Substitutes

CIVIL SERVICE PERSONNEL SCHEDULE

II. Civil Service Personnel Schedule 14-C-11

- A. Resignation
- B. Paraprofessional Additional Hours
- C. Student Printers & Student PAC Techs Hourly Rate Increase
- D. 2014-2015 Per Diem Substitutes

SCHEDULE 14-P-11 Professional Personnel Schedule

Date of Meeting: December 9, 2014

Page 1 of 3 pages.

| NAME | POSITION | SCHOOL/ AREA | STEP/ SALARY | BEG/END APPT. | COMMENTS |
|-------------------------------------------|------------------------------------------|-----------------|---------------------------------------|-----------------------------------------------------------------|---------------------------------------|
| Limperatos, Tara | English Tchr. | JH | | 1/5/15 - | Family Medical Leave |
| Lemmo, Jaime | School Social Wrkr. | HS | | 1/15/15 - | Family Medical Leave |
| DiStefano, Adrienne | Art Tchr. | HS | | 12/3/14 - end of First Sem. Second Semester, 2014-15 | Leave of Absence " |
| MacKenzie, Mary Ellen | Special Ed. Tchr. | JH | | Second Semester, 2014-15 | Leave of Absence |
| Romeo, Kirsten | Regular Substitute/ Art Tchr. | HS | Step A-5-1/ \$58,511. (prorate) | Second Semester, 2014-15 or earlier at district's discretion | |
| McNamara, Stephanie | Regular Substitute/ Special Ed. Tchr. | JH | Step A-5-1/ \$58,511. (prorate) | Second Semester, 2014-15 or earlier at district's discretion | |
| Kaufold, Robert | Interim Assistant Principal | HS | \$480./day | 12/15/14-6/30/15 | |
| <u>Club & Advisor:</u> | | | | | |
| Bodolai, Erin | Art Honor Society | HS | \$1,161. | 2014 - 2015 | [from \$580.50 repl. A. DiStefano] |
| <u>Regents Preparation Course:</u> | | | | | |
| Quinn, Melissa | Geometry | HS | \$37.14/45 min. session | January, 2015 | [1.5 hr. sessions] 28 sessions |
| Shinners, Walter | " | | | | 8 sessions |
| Mucaria, Donna | " | | | | 6 sessions |
| Tweedale, Kristine | " | | | | 6 sessions |
| Owenburg, Kristina | " | | | | 4 sessions |
| Selvaggi, Sally-Maria | " | | | | 4 sessions |

SCHEDULE 14-P-11 Professional Personnel Schedule

Date of Meeting: December 9, 2014

Page 2 of 3 pages.

| NAME | POSITION | SCHOOL/ AREA | STEP/ SALARY | BEG/END APPT. | COMMENTS |
|------------------------------------------------|----------------|-----------------|-----------------|---------------------|-----------------------------------------|
| <u>Alternative Evening High School:</u> | | | \$34.85/hr. | 2014 - 2015 | |
| Kowalik, Jonathan | Earth Science | | | | |
| Weisenseel, Kelly Ann | Algebra | | | | |
| <u>Intramural Advisor:</u> | | | \$28.21/hr. | 2014 - 2015 | |
| Daly, Adair | | JK | | | |
| <u>Volunteer Coach:</u> | | | | Winter, 2014- 2015 | |
| Engle, Michael | Varsity Asst. | Wrestling | \$-0.- | | |
| <u>Coach:</u> | | | | Spring, 2014 - 2015 | |
| Axelsson, Gregory | JV Head | Lacrosse (B) | \$5,189. | | |
| <u>Student Teachers/Observers:</u> | | | | Spring, 2015 | |
| Flanbaum, Frances | Music | HS | | | |
| Geeke, John | Social Studies | HS | | | |
| Gorman, Elizabeth | Special Ed. | JK | | | |
| Hack, Julie | English | JH | | | |
| O'Keeffe, David | Physical Ed. | HS | | | |
| <u>Guidance Intern:</u> | | | | Spring, 2015 | |
| Frank, Sarah | Guidance | JH | | | |
| <u>Per Diem Substitutes:</u> | | | \$90./day | 2014-2015 | |
| Etienne, Marjorie | | DW | | | [cert: Ch. Ed. 1-6] |
| Flynn, Kathi | | | | | [certs: PreK-6, SWD B-2] |
| Westfall, Ashley | | | | | [certs: Early Ch. Ed. B-2, Ch. Ed. 1-6] |

SCHEDULE 14-C-11 Civil Service Personnel Schedule

Date of Meeting: December 9, 2014

Page 3 of 3 pages.

| NAME | POSITION | SCHOOL/ AREA | STEP/ SALARY | BEG/END APPT. | COMMENTS |
|------------------|-------------------------------------------|-----------------|------------------------|------------------|------------------------------------------|
| Weitzel, Raymond | School Bus Driver | Trans. | | 12/13/14 | Resignation |
| Fasitta, Debra | Paraprofessional (school teacher aide) | FA | Step 3/ \$14.29/hr. | 12/10/14 | RN's Office [90 min./day-add'l. hrs.] |
| Senatore, Lisa | Paraprofessional (school teacher aide) | FA | Step 3/ \$14.29/hr. | 12/10/14 | Library [30 min./day-add'l. hrs.] |

The hourly rate for Student Printers and Student PAC Techs will be increased to \$8.75/hr. effective 12/31/14.

Per Diem Substitutes:

| | | | | |
|------------------------|----|----------|-------------|----------------------------|
| | DW | \$9./hr. | 2014 - 2015 | |
| *D'Amico, Nunzia | | | | Clerical/Para/Food Service |
| *Dowling, Mary | | | | " |
| *Grippe, Marilyn | | | | " |
| *Kilincarslan, Zuleyha | | | | Para/Food Service |

*Emergency Conditional Appointment

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY – DECEMBER 9, 2014

POLICY

- A. Board Review-Interscholastic Athletics (Selection Classification)
(First Time Reading) (File:5280)
- B. Board Review-Student Records (Third Time Adoption) (File:5500)

INTERSCHOLASTIC ATHLETICS

Interscholastic athletics for boys and girls is an integral and desirable part of the district's secondary school educational program. Individual and team sports shall be based upon comprehensive physical education instruction and intramural activities, seeking broad participation from all eligible secondary students. Lifetime or carry-over sports are to be particularly encouraged and supported. Parity in the number and kind of sports activities for girls and boys is a clear objective of the district.

Student eligibility for participation on interscholastic teams shall include:

1. authorization by the school physician (physical) prior to the first tryout date for the team;
2. written parent or guardian consent (permission slip) prior to the first tryout date for the team;
3. written parent or guardian consent for receipt of information regarding mild traumatic brain injury (TBI) prior to the first tryout date for the team;
4. Information regarding policies and procedures is available electronically on the Athletics Department website. An electronic parent/guardian acknowledgement or written parent/guardian acknowledgement must be received for every student selected for a team roster on or before the last day of the tryout period for that team. This parent/guardian acknowledgement will be valid for all sport seasons in the same school year. If on the first day of tryouts an electronic parent/guardian acknowledgement has not been received, the coach of that team will provide the student with a paper copy of the policies and procedures with a parent/guardian acknowledgement form. The signed parent/guardian acknowledgement form must be returned to the coach on or before the last day of tryouts for that team. If it is not returned, the student will not be eligible for inclusion on the team roster.
5. Endorsement by the Building Principal based on established rules and various league and State Education Department regulations.

Although the district will take reasonable care to protect student athletes, students may still sustain injuries. In order to most effectively ensure student safety, open communication between students, parents and coaches about the child's medical condition is critical. Coaches, and other appropriate staff, will receive guidance and training regarding recognition of injury and removal of the student athlete from play in the event of injury. Parents and/or students are expected to report injuries so that student health can be protected.

In the case of a suspected or actual head injury, a student must be removed from play immediately. In order to resume participation following injury, including head injury, the student needs to receive medical clearance. The Superintendent, in consultation with appropriate district staff, including the school physician, will develop regulations and procedures to guide the process of return to play.

In recognition of the importance of appropriately managing head injuries, the Board authorizes the creation of a Concussion Management Team (CMT). The CMT will be comprised of: the athletic director, a school nurse, the school physician, a coach of an interscholastic team, an athletic trainer and other appropriate personnel designated by the Superintendent. The CMT is charged with overseeing compliance with state training requirements, developing guidelines for use by coaches and physical education teachers and developing information for distribution to parents and students.

Athletic Selection/Classification

The Selection/Classification Program is a process for screening students to determine their readiness to compete in interscholastic athletic competition by evaluating their physical maturity, fitness and skill. The intent of this program is to permit students in grades 7 through 12 to safely participate at an appropriate level of competition (either Junior Varsity or Varsity) based upon readiness rather than age and grade. Students do not mature at the same rate and there can be a tremendous range of developmental differences between students of the same age. This program has been designed to assess a student's physical maturation, physical fitness and

skill, so the student may be placed at a level of competition which should result in increased opportunity, a fairer competitive environment, reduced injury and greater personal satisfaction.

The Selection/Classification Program was designed for mature and exceptionally skilled students to advance to an upper level. It is aimed at the few select students who can benefit from such placement because of their level of readiness.

Normally a student is eligible for senior high athletic competition in a sport during each of four consecutive seasons commencing with the youngster's entry into the ninth grade. However, by satisfying the requirements of the Selection/Classification Program a student may receive extended eligibility to permit participation during five consecutive seasons in the approved sport after entry into the seventh grade.

Athletics are a part of the regular school program and the Director of Health, Physical Education and Athletics will be responsible for implementing the district's Selection/ Classification Process.

Selection Classification Athletics Implementation Guidelines

- A. In compliance with Board of Education policy, a student will be considered for the Selection/Classification Process when a request is made by the student, parent, coach, or a physical education teacher. No recommendation shall be made without first receiving the consent of the athlete's parent.
- B. The evaluation process, will consist of the following steps which must be completed in sequence:
 - a. A written request will be submitted to the Director of Health, Physical Education and Athletics between: April 15th and June 15th for a Fall Sport, July [15] 30th and September [15] 30th for a Winter Sport, November 1st and January 1st for a Spring Sport using the district form.
 - b. A meeting with the Director of Health, Physical Education and Athletics will take place within a week of the filing deadlines above with a parent or guardian and the student to explain the process or phases and attain permission (Attachment C, NYSPHSAA) to begin Phase Two (Determining Potential) as described in the New York State Public High Schools Athletic Association's (NYSPHSAA) Handbook. Junior High School students may not leave a team mid-season to be classified for a high school team.
 - c. A review committee consisting of: the Director of Health, Physical Education and Athletics, the Senior and Junior High School Principals (or Assistant Principals), Guidance Counselor, Psychologist, Social Worker and PE teacher (who had the student for at least one semester and is not the coach of the sport) will meet within two weeks after permission is attained to decide if the student possesses appropriate level of physical fitness, sport specific skills, social and emotional maturity and that his/her academic performance is up to potential. The committee's decision shall be final.
 - d. If the committee denies the request, the parent or guardian (and requestor if different) will be notified by the Director of Health, Physical Education and Athletics. If the committee approves the request then the Director will proceed to administer Phase Three and Four (Screening) as outlined in the NYSPHSAA Handbook to the standards of the *junior varsity and/or varsity* level for the specified sport.
 - i. Parent Permission (Attachment C, NYSPHSAA), previously attained
 - ii. Permission from the School Physician- Health and Developmental Rating within two weeks of committee's approval. The confidentiality of the child shall be protected and arrangements regarding the exam will be as inconspicuous and discrete as possible. (Attachments D (male) or E (female), NYSPHSAA)
 - iii. Sport Skill Evaluation by the Coach, if applicable, (Attachment G, NYSPHSAA) within one week of physician's approval
 - iv. Performance Testing (Attachment F, NYSPHSAA) within one week of coach's evaluation. The Athletic Performance Test will be administered by the Athletic Director

or his designee who is not a coach in the specific program for which the student is being evaluated.

- v. Phase Five (Try out Period) When ever possible all the coaches in the specific sport program will evaluate the candidate during the allowable maximum tryout period (NYSPHSAA p. 137) to verify that the student exhibits exceptional skills. Respective students will be placed at the level of competition appropriate to their physiological maturity, physical fitness and skills in relationship to other pupils. The Director of Physical Education/Athletics will approve the candidate if all of the steps have been successfully completed and if there is consensus among the evaluating coaches that the student is exceptional. If there is not consensus, or if the Director believes that the intent of the program is being misconstrued, the Director will meet with the coaches involved, after which the Director will make a decision regarding the candidate's participation. This decision is final.
- vi. Phase Six (Notification) Email or fax to opposing schools, and Section XI, Attachment H, (NYSPHSAA) and inform the parents of outcome and any limitations for their child.
- vii. Phase Seven (Records) The Director of Health, Physical Education and Athletics will take the appropriate steps to keep a permanent file for each student who qualifies in the Director's office. This file will include attachments B, C, D or E, F, G, H (NYSPHSAA) and a copy of the letter sent to the parent or guardian.

Adopted: July 9, 2013

Revised: April 24, 2014

Revised: September 23, 2014

Cross-ref: 5420, Student Health Services

Ref: Education Law §§ 305(42), 1709 (8-a); 3001-b
8 NYCRR §§135.4, 136.5

Santa Fe Indep. Sch. Dist. V. Doe, 520 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)

Concussion Management Support Materials, www.nysphsaa.org

STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The district will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PPI) to ensure that the contractors comply with the law in using appropriate means to safeguard data.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or Local educational authority of a Federal agency headed by the Secretary, the Comptroller General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute;
- (b) records of the district's law enforcement unit;
- (c) records of treatment created or maintained by a physician, psychiatrist, psychologist or other professional/paraprofessional acting that capacity.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Third Party Contractor: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA *and New York State Law* and the procedures for exercising those rights. A “Parents’ Bill of Rights for Data Privacy and Security” will be posted on the district’s website and included in any agreements with third party contractors. (see 5500-E.4) This notice and “Bill of Rights” may be published in a newspaper, handbook or other school bulletin or publication. This notice and “Bill of Rights” will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice and “Bill of Rights” will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student’s education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
3. consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department’s Chief Privacy Officer for failure to comply with state law.

The annual notice and “Bill of Rights” will inform parents/guardians and eligible students:

1. that it is the district’s policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests.
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that, upon request, the district will disclose a high school student’s name, address and telephone number to military recruiters and institutions of higher learning unless the parents or eligible student exercise their right to prohibit release of the information without prior written consent.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior consent. The district will not sell directory information.
5. that, upon request, the district will disclose a high school student’s name address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. that the district will provide information as a supplement to the “Parents’ Bill of Rights” about third parties with which the district contracts that use or have access to personally identifiable student data.

The district will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication.

In the absence of the parent or eligible student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number three (3) above.

Directory Information

The district has the option under FERPA of designating certain categories of student information as “directory information.” The Board directs that “directory information” include; student’s name, date of birth, place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, grade level photograph, and enrollment status.

Social security numbers, student identification numbers or other personally identifiable information will not be considered directory information. Students who opt out of having directory information shared are still required to display their student ID cards.

Once the proper FERPA notification is given by the district, a parent/guardian or eligible student will have 14 days to notify the district of any objections they have to any of the “directory information” designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release. Once the eligible student or parent/guardian provides the “opt-out,” it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters.

Cross-ref: 1120, School District Records, 4321, Programs for Students with Disabilities Under IDEA and Part 89 and 5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002 Education Law § 225, Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

“Guidance for Reasonable Methods and Written Agreements,”

http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf

Parents’ Bill of Rights for Data Privacy and Security, July 29, 2014:

<http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office website:

<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

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