



EVERGREEN CHARTER SCHOOL
605 Peninsula Boulevard Hempstead,
NY 11550
516-292-2060 Fax 516-292-0575

PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

NOTIFICATION OF RIGHTS UNDER FERPA AND NEW YORK EDUCATION LAW SECTION 2-D

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

- (1) **The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.** Parents or eligible students should submit to the School principal a written request that identifies the record(s) they wish to inspect. The School will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- (2) **The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.** Parents or eligible students who wish to ask the School to amend a record should write the School principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- (3) **The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.** One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted as its agent to provide a service instead of using its own employees or officials (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.



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- (4) **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA.** The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920**

Please be aware that pursuant to New York Education Law Section 2-d:

- (1) A student's personally identifiable information cannot be sold or released for any commercial purposes;
- (2) Parents have the right to inspect and review the complete contents of their child's education record;
- (3) State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- (4) A complete list of all student data elements collected by the State will be available for public review online or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, New York 12234; and
- (5) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to Jason Black, Data Security Officer/Technology Coordinator at Evergreen Charter School, 605 Peninsula Blvd. Hempstead, NY 11550 or by email at jblack@ecsl.org or by phone at (516)-292-2060 x110.

Supplemental Information about Third Party Contracts:

In order to meet expectations for effective education and efficient operations, the School utilizes a variety of products and services that involve third party contractors receiving access to student data, or principal or teacher data, protected by Section 2-d of the New York Education Law. The School recognizes that the students, parents and the school community have a legitimate interest in understanding which of the School's vendors receive that data, for what purpose and under what conditions. The School has



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undertaken the task of compiling that information, and are insuring that each new contract adequately describes (1) the exclusive purposes for which data will be used, (2) how the contractor will ensure that any subcontractors it uses will abide by data protection and security requirements, (3) when the contract expires and what happens to the data at the time, (4) if and how an affected party can challenge the accuracy of the data collected, (5) where the data will be stored and (6) the security protections taken to ensure the data will be protected, including whether the data will be encrypted.

For more information about data privacy, security and parents bill of rights from the New York State Education Department, please click on the link below:

<http://www.nysed.gov/data-privacy-security/bill-rights-data-privacy-and-security-parents-bill-rights>

Directory Information

The School may disclose appropriately designated “directory information” without written consent, unless you have advised the School to the contrary in accordance with School procedures. The primary purpose of directory information is to allow the School to include information from your child’s education records in certain school publications. Examples include:

- A playbill, showing your student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists; and -Sports activity sheets.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the School that they do not want their student’s information disclosed without their prior written consent.

If you do not want the School to disclose any or all of the types of information designated below as directory information from your child’s education records without your prior written consent, you must notify the Principal of the School in writing by September 15th of a given school year. The School has designated the following information as directory information:



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- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Grade level
- Participation in officially recognized activities and sports -Degrees,
honors, and awards received