

Category: **STUDENTS**

Issued: 6/29/09

Number: **A-820**Subject: CONFIDENTIALITY AND RELEASE OF STUDENT RECORDS;  
RECORDS RETENTION

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**SUMMARY OF CHANGES**

This regulation supersedes Chancellor's Regulation A-820 dated July 8, 2008.

**Changes:**

- The regulation was revised to conform to amendments to federal regulations under the *Family Educational Rights and Privacy Act* ("FERPA").

**New Provisions:**

- Implements various amendments to federal regulations under FERPA, including:
  - Adding or revising various defined terms, including extensive revision to the definition of "personally identifiable information";
  - Certain changes with respect to disclosure of personally identifiable information for information for Federal or State program purposes with respect to certain audits and evaluations;
  - New provisions with respect to de-identified information;
  - New provisions with respect to authenticating the identity of certain parties requesting access to education records;
  - New provisions regarding the determination of whether a health/safety emergency exists, as well as with respect to related recording requirements;
  - New provisions clarifying when consultants may be considered school officials for purposes of the regulation;
  - Revisions and new provisions with respect to the conduct of studies;
  - Additions and revisions to procedures involving recording of access;
  - Additions and revisions to procedures involving further disclosures; and
  - Revisions to when education records may be transferred.
- Clarifies that Achievement and Reporting Innovation System (ARIS) password information may not be disclosed by telephone;
- Clarifies when school officials and staff have access to education records without consent;
- Clarifies when and how schools may hold permanent records offsite.

## **ABSTRACT**

This regulation addresses the confidentiality of and access to student records and provides information about NY State records retention mandates and Department of Education requirements for disposing of or archiving records. It supersedes Chancellor's Regulation A-820, Confidentiality and Release of Student Records; Records Retention, dated July 8, 2008.

### **I. INTRODUCTION**

This regulation incorporates pertinent provisions of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; federal regulations at 34 C.F.R. Part 99), commonly referred to as "FERPA" or "the Buckley Amendment".

### **II. WHAT ARE THE RIGHTS GRANTED BY FERPA?**

There are five basic rights granted to parents or eligible students:

- the right to inspect and review the student's education records maintained by the school(s) the child attends or has attended.
- the right to challenge and request that the school amend any portion of the student's education records that is inaccurate, misleading, or otherwise in violation of the student's privacy rights.
- the right to require the school to obtain written consent prior to the disclosure of personally identifiable information, except in those instances specifically allowed for by law.
- the right to be informed by the school of the rights accorded parents under FERPA.
- the right to file a complaint with the Family Policy Compliance Office of the United States Department of Education alleging a denial of rights.

### **III. DEFINITIONS**

- A. "Biometric record", as used in the definition of "personally identifiable information," means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.
- B. "Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in the education records to any party, by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.
- C. "Education records" means those records that are directly related to a student and maintained by the Department of Education or by a party acting for the Department of Education. This term includes, but is not limited to:
  - permanent records (e.g., the cumulative record and/or transcript; any Department of Education health records; the home language survey; the ethnic identification form; the cumulative test achievement record and the attendance record);
  - records<sup>1</sup> maintained by guidance personnel and other staff providing student support services (e.g., records of guidance intervention, interview notes);
  - anecdotal records (e.g., teacher referrals to the dean, dean's log of follow-up action taken);
  - photographs and yearbooks; and

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<sup>1</sup> Appropriate personnel should review such records annually and remove outdated and/or unnecessary material from the student's file.

- records relating to the student who is employed as a result of his/her status as a student.

Records not considered “education records” include:

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - records on a student who is 18 years of age or older that are: (i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; (ii) made, maintained, or used solely in connection with treatment of the student; *and* (iii) disclosed only to individuals providing the treatment.<sup>2</sup> For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are a part of the program of instruction of the agency/institution.
  - furthermore, records maintained by Department of Health personnel in the schools are also not considered education records. They are medical records subject to their own confidentiality requirements.
  - records created or received after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
  - grades on peer-graded papers before they are collected and recorded by a teacher.
- D. “Eligible student” means a student who has reached 18 years of age, even if he/she is unemancipated or is attending an institution of post-secondary education.
- E. “Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian, including the representative of a foster care agency, who provides ongoing custodial care.
- F. “Personally identifiable information” includes, but is not limited to:
1. the name of the student;
  2. the name of the student's parent or other family members;
  3. the address of the student or student's family;
  4. a personal identifier, such as the student's social security number, student number, or biometric record;
  5. other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
  6. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
  7. information requested by a person who the Department of Education reasonably believes knows the identity of the student to whom the education record relates.
- G. “Record” means any information recorded in any way, including but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm and microfiche.

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<sup>2</sup> While an educational agency is not required to give an eligible student access to treatment records, the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

#### IV. ACCESS TO AND RELEASE OF INFORMATION IN STUDENT RECORDS

##### A. General Provisions Protecting Confidentiality of Student Records

1. In keeping with the individual's right to privacy, no part of a student's education record, however created, may be divulged with personally identifiable information to any person, organization, or agency in any manner **unless** there is:
  - a. informed written consent<sup>3</sup> by the parent or eligible student; sample consent forms are included as Attachment No. 1.
  - b. a valid court order or lawfully issued subpoena requesting such information (in such cases, prior to complying with such order or subpoena, the parent or eligible student shall be notified immediately in writing of the information which has been subpoenaed or which is the subject of the court order);
  - c. a request for disclosure by authorized representatives of the officials or agencies headed by State or local educational authorities, the Secretary of Education of the United States, the Attorney General of the United States, or the Comptroller General of the United States and the request is in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. Such information that is collected must be protected in a manner that does not permit personal identification of individuals (unless specifically authorized by Federal law) by anyone except the officials or agencies headed by officials mentioned above and must be destroyed when no longer needed for the purposes listed;<sup>4</sup>
  - d. a health and safety emergency and disclosure of personally identifiable information from an education record to appropriate parties is necessary to protect the health or safety of the student or other individuals;<sup>5</sup> or
  - e. another reason to do so that is permitted by law.

Questions concerning the validity of a court order or subpoena, or whether there is a health and safety emergency or other possible reasons for releasing education records that contain personally identifiable information, should be directed to the Office of Legal Services, New York City Department of Education, 52 Chambers Street, New York, NY 10007, telephone number 212-374-6888, fax number 212-374-5596.

2. Education records or information from education records may be released without consent after the removal of all personally identifiable information provided that a reasonable determination that a student's identity is not personally identifiable (whether through single or multiple releases, and taking into account other reasonably available information) has been made.

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<sup>3</sup> Signed and dated written consent may be in electronic format if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

<sup>4</sup> In accordance with § 9528 of the ESEA, as amended by the *No Child Left Behind Act of 2001* (P.L. No. 107-110), schools must give military recruiters the names, addresses, and telephone numbers of secondary school students if such information is requested. However, parents/students may opt out and request that such information not be disclosed to military recruiters without their written consent.

<sup>5</sup> A health or safety emergency is a situation which presents imminent danger or which requires the immediate need for information in order to avert or diffuse unusual conditions or disruptions. In making such a determination, the Department of Education may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the Department of Education determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. Imminent danger may include an active investigation of a violent crime including, but not limited to, homicide, arson, robbery, sex offenses, weapons possession, or assault where there are reasonable grounds to believe that a current or former student is a suspect or has information concerning the investigation that is necessary to protect the health or safety of one or more students or others.

3. Reasonable methods must be used to identify and authenticate the identity of parents, students, school officials, and any other parties to whom personally identifiable information from education records is disclosed.
- B. Access to Student Records by Parents, Legal Guardians, and Eligible Students
1. When a parent or eligible student asks to inspect or review his or her child's or own education records, he/she shall be provided an expeditious opportunity to do so. A written request is not needed.
  2. Access to the records shall be provided within a reasonable period of time but not more than 45 days from receipt of the request.
  3. Furthermore, official(s) shall respond to reasonable requests for explanations and interpretations of the records.
  4. The parent or eligible student is entitled to obtain a copy of the records. The school/office may charge a fee for the copies but no more than 25 cents per page. However, if imposition of a fee effectively prevents the parent or eligible student from exercising the right to inspect and review the records, no fee shall be charged. Original records must not be removed from the school by the parent or student. No fee may be charged to search for or to retrieve the education records.
  5. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the records, the school/office shall provide the requester with a copy of the records or make other arrangements for inspection and review.
  6. If the education records of a student contain personally identifiable information about any other student(s), that information may not be released to the parent or eligible student.
  7. No education record may be destroyed if it is the subject of an outstanding request for inspection and review. Furthermore, if any education records are to be destroyed, such destruction must be carried out in accordance with the State Education Department's *Records Retention and Disposition Schedule ED-1*. See Section VIII.A below.
- C. Access to Student Records by Non-Custodial Parents
1. If a non-custodial parent, i.e., the parent with whom the child does not reside, requests access to the child's student records, the principal will notify the custodial parent or institution where the child resides of the request. The notice will tell the custodian of the child that the request has been made, the name of the person making the request, and the date on which the request was received. Whenever practical, the notice shall be written in the primary language of the student's home. (A sample *Notice to Custodial Parent of Request for Access to Student Records by Non-Custodial Parent* is included as Attachment No. 2.)
  2. The parent making the request shall be notified at the time of the request that the custodial parent is being given an opportunity to inform the school as to whether a legally binding document or court order specifically revokes the non-custodial parent's rights of access to the records and, if no such document has been produced within 45 calendar days of the school's receipt of the request, the records must be made available to the non-custodial parent no later than the 45<sup>th</sup> day. If the custodial parent consents to the release of the records, they may be released as soon as practicable.
- D. Access to Student Records by Parents of Students 18 Years or Older
- When a student attains the age of 18, the rights accorded to and consent required of parents is transferred from the parents to the student. The school may provide the student with a waiver which provides that, so long as the student continues to attend the school, the student authorizes his or her parents to exercise all the rights defined in this regulation. (A sample *Student's Consent for Parents to Access Student Records* form appears as Attachment No. 3). However, nothing in this section prevents the disclosure of education records, or personally identifiable information from education records, to a parent without

the prior written consent of an eligible student if the disclosure is in connection with a health or safety emergency, under the conditions described in Section IV.A.1.d of this regulation.

- E. Access to Student Records by School Staff and Other Department of Education Employees
1. Disclosure to other school officials, including teachers, within the Department of Education who have legitimate educational interests (as determined below), is permitted without consent of the eligible student or parents. However, indiscriminate access to student records, even by the professional staff of a school, is not permitted. A staff member or other Department of Education employee who seeks access to a particular student's records *must have a specific and legitimate educational reason for such access*. The validity of the legitimate educational reason is to be determined by the principal or head of the office.
  2. School Safety Agents ("SSAs") and members or officers of the Parents Association or Parent-Teachers Association are not school officials or staff members and consequently are not permitted access to student records.
  3. A contractor, consultant, volunteer, or other party to whom the Department of Education has outsourced institutional services or functions may be considered a school official provided that the outside party:
    - a. performs an institutional service or function for which the Department of Education would otherwise use employees;
    - b. is under the direct control of the Department of Education with respect to the use and maintenance of education records; and
    - c. is subject to the requirements of Section IV.I.1 of this regulation governing the use and re-disclosure of personally identifiable information from education records.
  4. Reasonable methods must be used to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. If physical or technological access controls are not used, effective administrative policies must be established for controlling access to education records and compliance with the legitimate educational interest requirement of this section must remain in place.
- F. Access to Student Records by Organizations Conducting Studies for, or on Behalf of, the Department of Education
1. All requests by organizations to conduct studies in which personally identifiable information from an education record of a student may be disclosed must first be made to the Department of Education's Research and Policy Support Group. All written agreements under this section must be approved by the Office of Legal Services.
  2. Personally identifiable information from an education record of a student may be disclosed without the consent of the parents or the eligible student, provided that the disclosure is to organizations conducting studies for, or on behalf of, the Department of Education to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
  3. Information may be disclosed under this section only if:
    - a. the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;
    - b. the information is destroyed when no longer needed for the purposes for which the study was conducted; and
    - c. the Department of Education enters into a written agreement with the organization that: (i) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (ii) requires the organization to use

personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (iii) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and (iv) requires the organization to destroy or return to the Department of Education all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

4. The Department of Education is not required to initiate a study or agree with or endorse the conclusions or results of the study.
  5. The term "organization" as used in this section includes, but is not limited to, federal, state and local agencies, and independent organizations.
  6. De-identified student level data from education records may be released for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:
    - a. any information about how a record code is generated and assigned or that would allow a recipient to identify a student based on a record code, is not disclosed by those releasing de-identified data;
    - b. the record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
    - c. the record code is not based on a student's Social Security number, student identification number (i.e., OSIS number) or other personal information.
- G. Access to Student Records via the Department of Education's Achievement and Reporting Innovation System (ARIS)

School officials may, via telephone, instruct parents with access to ARIS in how to use and access it. However, disclosure by telephone of education records, personally identifiable information, or any password information, is not permitted. ARIS passwords may not be reset based on permission granted by telephone.

- H. Recording of Request for Access
1. A record of each request for access and each disclosure of personally identifiable information from the education records of each student must be maintained, as well as the names of state and local educational authorities and federal officials and agencies listed in Section IV.A.1.c of this regulation that may make further disclosures of personally identifiable information from the student's education records without consent under Section IV.I.2.
  2. The record must be maintained with the education records of the student as long as the records are maintained.
  3. For each request or disclosure for which a record must be maintained, the record must include:
    - a. the parties who have requested or obtained personally identifiable information from the education records of the student;
    - b. the legitimate interest the parties had in requesting or obtaining the information; and
    - c. the information actually disclosed.
  4. A copy of the record of further disclosures maintained under Section IV.H.8 of this regulation must be obtained and made available in response to a parent's or eligible student's request to review the record required under Section IV.H.1 of this regulation.

5. The following information must be recorded when it discloses personally identifiable information from education records under the health or safety emergency exception in Section IV.A.1.d of this regulation:
  - a. the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
  - b. the parties to whom the information was disclosed.
6. Sections IV.H.1 through 5 of this regulation do not apply if the request was from, or the disclosure was to:
  - a. the parent or eligible student;
  - b. a school official;
  - c. a party with the consent from the parent or eligible student; or
  - d. a party seeking or receiving the records in accordance with: (i) a Federal Grand Jury or other law enforcement subpoena and the issuing court/agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (ii) an Ex Parte Court Order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
7. Except as provided in Section IV.H.8 of this regulation, if the Department of Education discloses personally identifiable information from education records with the understanding authorized under Section IV.I.2 of this regulation, the record of the disclosure required under this section must include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the Department of Education; and
  - b. the legitimate interests which each of the additional parties has in requesting or obtaining the information.
8. A state or local educational authority or federal official or agency listed in Section IV.A.1.c of this regulation that makes further disclosures of information from education records under Section IV.I.2 of this regulation must record the names of the additional parties to which it discloses information on behalf of the Department of Education and their legitimate interests in the information, if the information was received from:
  - a. an educational agency or institution (e.g., the Department of Education) that has not recorded further disclosures; or
  - b. another state or local educational authority, or federal official or agency listed in Section IV.A.1.c of this regulation.

A State or local educational authority or Federal official or agency that records further disclosures of information under this Section IV.H.8 may maintain the record by the student's class, school, district, or other appropriate grouping rather than by the name of the student.

Upon request of the Department of Education, such officials and agencies that maintain a record of further disclosures must provide a copy of the record of further disclosures to the Department of Education within a reasonable period of time not to exceed 30 days.

I. Redisclosure of Information

1. Personally identifiable information from an education record may be disclosed only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible



student. The officers, employees, and agents of a party that receive information under this Section IV.I.1 of this regulation may use the information, but only for the purposes for which the disclosure was made.

2. Section IV.I.1 of this regulation does not prevent the Department of Education from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the Department of Education if:
  - a. disclosure of personally identifiable information from an education record of a student without consent is otherwise permitted; and
  - b. The Department of Education has complied with the requirements Section IV of this regulation; or a party that receives a court order or lawfully issued subpoena and re-discloses personally identifiable information from education records on behalf of the Department of Education in response to that order or subpoena under Section IV.A.1.b of this regulation must provide the notification required under Section IV.H.1.d of this regulation.

## V. REQUESTS FOR AMENDMENT OF RECORDS AND APPEAL PROCEDURES

- A. If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's right of privacy, he or she may ask that the record be amended. If the parent or eligible student is seeking to amend education records *other than special education clinical records*, the request should be directed to the school or office where the records are maintained. If Special Education clinical records are sought to be amended, the request should be directed to the CSE Chairperson or his/her designee. The parent/eligible student should complete a written request that contains the following information:
  1. the information that is claimed to be inaccurate, misleading, or in violation of the student's privacy rights;
  2. the education records in which the parent/eligible student believes the information is contained;
  3. the basis for the claim (i.e., why he/she believes the information is inaccurate, misleading, etc.); and
  4. the parent/eligible student's proposed change.
- B. The chairperson, office director, or principal/designee will review the request and make a determination within fifteen (15) school days of receiving it. He/She may modify or expunge the entry from the student's record if such action is warranted. Removing, modifying, or expunging an entry is not an admission that the entry was improper or that any person acted improperly by including the entry on the record.
- C. The reviewer shall provide the parent/eligible student with a written response to the request and explain the reason for his/her decision. If the reviewer denies the request in whole or in part, his/her written determination shall include notice of the parent or eligible student's right to appeal the decision and request a hearing.
- D. If the reviewer denies the request in whole or in part or fails to render a ruling within the prescribed time period, a parent or eligible student may request a formal hearing from the Community or High School Superintendent within twenty (20) school days from the adverse ruling or failure to rule.
- E. The hearing officer may be any person who does not have an interest in the outcome of the proceeding.
- F. The hearing shall be held within a reasonable time of receipt of the request but no later than twenty (20) days thereafter, and the parent or eligible student shall be given notice of the date, place, and time of the hearing with sufficient advance notice.

- G. The parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the appeal and may be assisted or represented by individuals of his or her own choice at his or her own expense, including an attorney. No formal record of the hearing need be maintained. However, the hearing officer must take sufficient notes of the testimony heard and evidence presented in order to prepare a written finding. The hearing officer's decision must be based solely on the evidence presented at the hearing.
- H. The hearing officer's written report shall include, at a minimum, a summary of the evidence and the reasons for the decision, and shall be issued within fourteen (14) calendar days from the conclusion of the hearing.
- I. If the hearing officer determines that the information in the education record is inaccurate, misleading, or in violation of the privacy rights of the student, the hearing officer shall direct the reviewer to amend the record accordingly and inform the parent or eligible student in writing of the amendment. The hearing officer's decision shall be final.
- J. If the hearing officer determines that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the hearing officer's decision shall inform the parent/student of the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the hearing officer, or both. If such statement of the parent/student is placed in the education records of the student, the statement shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the portion of the record to which the statement relates is disclosed.

#### **VI. TRANSFER OF EDUCATION RECORDS**

When school officials release student records to another school or educational agency/institution, consent of the parent or eligible student is not required. However, school officials shall make a reasonable attempt to notify the parent or eligible student of the release unless the parent or eligible student initiated the request or the school's annual notification included notice that the school forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll, or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. A copy of the forwarded records will be given to the parent or eligible student upon request, and the parent or eligible student shall have an opportunity to challenge the records that were disclosed. Prior to transferring a guidance folder, the principal or appropriate designee must review the folder and remove any outdated and/or unnecessary information.

#### **VII. NOTICE OF FERPA REQUIREMENTS**

In accordance with FERPA, school officials are required to give parents and eligible students annual notification of their rights regarding student records. Annual dissemination of the *Bill of Parent Rights and Responsibilities* and the *Bill of Student Rights and Responsibilities*, which contain the required information concerning FERPA, will fulfill the notice requirement. Copies of the *Parent Bill* may be obtained online from the Department's web site: <http://schools.nyc.gov/RulesPolicies> or from the Office for Family Engagement and Advocacy, 49 Chambers Street, Room 503, New York, NY 10007, (212) 374-2323, [OFEA@schools.nyc.gov](mailto:OFEA@schools.nyc.gov). The *Student Bill* is contained in the Discipline Code document and also can be obtained at <http://schools.nyc.gov/RulesPolicies/StudentBillOfRights/default.htm>.

#### **VIII. RECORDS RETENTION, STORAGE, AND DESTRUCTION**

##### **A. State Record Retention and Disposal Schedule**

The State Education Department, under the auspices of the NY State Archives, promulgates a detailed schedule for records retention and disposal. The document, *Records Retention and Disposition Schedule ED-1*, revised in 2004, may be found on the

website of the State Archives at [http://www.archives.nysed.gov/a/records/mr\\_pub\\_ed1.pdf](http://www.archives.nysed.gov/a/records/mr_pub_ed1.pdf) in convenient PDF format. Schedule ED-1 must be consulted to determine the minimum length of time school district officials must retain certain records before the records may be disposed of legally.

All information regarding the DOE Archive System and related procedures is available at: <http://schools.nyc.gov/Offices/EnterpriseOperations/ChiefFinancialOfficer/DFSBO/DoeRecordsArchiving/Default.htm>.

#### B. Preserving the Confidentiality of School Records

1. Schools, Integrated Service Center ("ISC"), and Children First Network ("CFN") offices and other locations that retain student and other confidential records must take steps to protect the confidentiality of these records when they are retained on site, discarded, or placed in storage. This applies both to student information as well as personal information concerning employees, such as Social Security numbers, file numbers, health-related information, bank account information, etc. All Department of Education personnel must use care when discarding day-to-day trash to ensure proper disposal of confidential information.
2. Each school, Committee on Special Education, and Department of Education office must ensure the proper destruction or storage of records. The principal, head of office, or other designated school administrator or supervisor must ensure that records are properly handled and determine whether they are to be destroyed or sent to storage. He/She also must sign a form identifying the records that are being destroyed and certify that proper procedures to ensure confidentiality have been followed. The certification forms must be maintained on site at the school/office.
3. When records containing confidential information are to be disposed of, they must be shredded to ensure that the confidential information is destroyed. Boxes designated for disposal must be carefully labeled, and those containing student records must be labeled as such. Designated staff should contact the ISC/CFN for assistance in arranging for documents to be shredded.
4. To the greatest extent practicable, schools should retain at the school site all student records for at least 10 years after the student has graduated or has reached the age of 27, whichever is later. Thereafter, in order to maximize building storage space, schools may make off-site arrangements to store permanent records for students who graduated or left the New York City school system, provided that such arrangements do not alter the school's responsibility for such records.<sup>6</sup> Boxes containing materials designated for archiving must be carefully labeled for delivery to the storage facility to ensure that confidentiality is preserved and that the documents can be retrieved easily and efficiently at a later date. Boxes containing student records must be clearly labeled on the outside that they contain student records. Indexes of documents sent to storage must be maintained at/by the school. Designated school staff should contact the ISC/CFN to arrange for pick up and/or delivery of boxes from/to storage.
5. Schedule ED-1 must be consulted when sending documents to storage to determine if they can be destroyed at a later date. Some records must be retained permanently. However, many school records may be destroyed six years after the student graduated or would have normally graduated from high school. For Department of Education purposes, documents should not be destroyed until the student has reached, at a minimum, the age of 27. If boxes sent to storage contain records that may be destroyed at a later date, the form on the outside of the box must indicate a record destruction date. A copy of the form must be maintained by the designee of the sending site.

Please note: Special Education files of students with disabilities will be retained until the year the student has reached the age of 32.

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<sup>6</sup> Some projects to digitize student records have also been initiated.

**IX. RECORDS OF FORMER STUDENTS**

Former students who wish to obtain copies of their school records, or individuals or agencies entitled to obtain the records on the student's behalf, should write to the school that the student last attended. The request should contain as much information as possible, e.g., the name and address of the student at the time he/she attended, his/her date of birth and Social Security number, and the dates of attendance. If the school has since closed or is no longer in existence, the request for records should be made to the appropriate ISC/CFN office. The requester may also contact the Office of Student Enrollment Planning and Operations ("OSEPO").

**X. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Telephone:	<i>Office of Legal Services</i> N.Y.C. Department of Education 52 Chambers Street – Room 308 New York, NY 10007	Fax:
212-374-6888		212-374-5596

**PARENT'S CONSENT TO RELEASE OF STUDENT RECORDS**

I, \_\_\_\_\_, am the parent/guardian of  
print name

\_\_\_\_\_, \_\_\_\_\_,  
print name of student date of birth

\_\_\_\_\_, who attends/attended the New York City  
student ID #

Public Schools in \_\_\_\_\_ . The last school he/she attended  
year/time period

was/is \_\_\_\_\_ in  
name and address of school

\_\_\_\_\_. The student is under the age of 18.  
borough

(Please provide any additional information that might be helpful in locating the student records  
(e.g., address or name, if different when he/she attended)):

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

I give consent to the New York City Department of Education to release my child's student records  
including \_\_\_\_\_  
specify records

to \_\_\_\_\_  
provide name and address of person, agency, or company

Purpose of disclosure: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
signature of parent/guardian

\_\_\_\_\_  
date

**STUDENT'S CONSENT TO RELEASE OF RECORDS**

I, \_\_\_\_\_, \_\_\_\_\_,  
print name date of birth  
\_\_\_\_\_ student ID # attended the New York City Public Schools  
in \_\_\_\_\_.  
year/time period The last school I attended was  
\_\_\_\_\_ in \_\_\_\_\_.  
name and address of school borough

I am at least 18 years old.

(Please provide any additional information that might be helpful in locating your records (e.g., former address, name, if different when you attended)):

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

I give consent to the New York City Department of Education to release my student records, including

\_\_\_\_\_  
specify records

to \_\_\_\_\_  
provide name and address of person, agency or company

\_\_\_\_\_

Purpose of disclosure: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
signature of former student

\_\_\_\_\_  
date

**NOTICE TO CUSTODIAL PARENT OF REQUEST FOR ACCESS TO STUDENT RECORDS BY  
NON-CUSTODIAL PARENT**

Dear \_\_\_\_\_:  
custodial parent

On \_\_\_\_\_ we received a request for access to student records from  
date

\_\_\_\_\_ who said he/she is the non-custodial  
name of requester

parent of \_\_\_\_\_. He/She wants to:  
name of student

obtain (or)

examine the educational records of your child.

Unless the school is provided with a legally binding instrument or court order providing that the parent making the request is not permitted to have access to the child's education records, those records will be made available to the requester by no later than the 45<sup>th</sup> day from the date we received the request, which is \_\_\_\_\_.  
date

Please contact \_\_\_\_\_ at \_\_\_\_\_  
name phone number

if you have any questions.

Sincerely,

\_\_\_\_\_  
principal, etc.

**STUDENT'S CONSENT FOR PARENTS TO ACCESS STUDENT RECORDS**

_____	_____
name of student	grade/class
_____	_____
student ID #	date of birth

I am a student attending \_\_\_\_\_ and I  
name/number of school

am 18 years of age or older. As long as I continue to attend school, I authorize my parent(s) or guardian,

\_\_\_\_\_  
name(s)

to exercise all the rights defined in the regulation governing access to and confidentiality of student records, *Chancellor's Regulation A-820*.

All the information released to the persons named above should be considered to have been released to me.

_____	_____
student's signature	date