

The **SPECIAL BUSINESS/POLICY MEETING** of the Board of Education West Hempstead Union Free School District was called to order in the Chestnut Street Conference Room on December 1, 2020 at 7:31 p.m.

PRESENT: Ms. Brohm, who presided, and five other members of the Board: Mr. Hoffman, Mr. Magaraci, Ms. Shinsato and Mr. Trocchia. Ms. Greaves and Mr. Katrakazis were absent. Also present were Mr. Rehman, Ms. Reilly, Mr. Press, Mr. Fleck, Mr. Mestecky and Ms. Bryant.

Under **SPECIAL BUSINESS** action took place as follows:

Docket #0-172: Upon the motion of Mr. Magaraci, seconded by Mr. Trocchia and carried by five, the Board approved the Use of Facilities as follows:

<u>Organization</u>	<u>Day/Time</u>	<u>Room/Field</u>
<u>High School/Middle School</u>		
HANC	12/28/20 (rain date 12/29)	Track/Fields
walk-a-thon 225pp	Monday	

Docket #0-173: Upon the motion of Mr. Hoffman, seconded by Ms. Shinsato and carried by five, the Board accepted \$10,000 from the Estate of June Saal for the purpose of providing a scholarship to a District student as set forth in the estate documents.

The following policies were discussed:

Docket #0-163 a-b: **Policy 2551** – It was unanimously agreed that this policy be placed on the December 15th Business Meeting for adoption by the Board with the following revisions: **Remove:** all reference to ED-1. **Replace** with LGS-1.

Policy 5158 – It was unanimously agreed that this policy be placed on the December 15th Business Meeting for adoption by the Board as follows:

“The District 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 will 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 legal responsibility to ensure the orderly retention and disposition of the District student records in accordance with Schedule LGS-1 as adopted by the Board in Policy 2551.

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. The District will document requests for and release of records, and retain the documentation in accordance with law. 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 (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools or his/her designee is 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 or a federal agency headed by the Secretary, the Comptroller General or the Attorney 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 are not accessible or revealed to any other person except a substitute (e.g. memory joggers);
- (b) records of the District’s law enforcement unit;
- (c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending post-secondary 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: as it pertains to students, 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. This term is fully defined in federal regulations at 34 CFR 99.3.

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: any person or entity, other than an educational agency, that receives student PII or teacher or principal PII 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 for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. This includes educational partnership organizations that receive student PII or teacher/principal PII from a school district to carry out responsibilities under Education Law § 211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

Annual Notification

At the beginning of each school year, the District will publish a notice that informs parents, guardians and eligible student (18 years or older) currently in attendance of their rights under FERPA and the New York State Law and the procedures for exercising those rights. The notice may be published in a newspaper, handbook, school calendar or other school bulletin or publication. The notice will also be provided to parents, guardians and eligible students who enroll during the school year. The District will publish a Parents' Bill of Rights for Data Privacy and Security on its website and include same in any agreements with third-party contractors, as defined above.

The notice 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.

In addition, the notice will inform parents, guardians and eligible students:

1. That it is the District 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. The notice will define 'school official' and 'legitimate educational interest'.
2. That, upon request, the District will disclose education records without consent to officials of another school or school district in which a student seeks or intends to enroll or is actually enrolled.
3. That personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. 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.
5. Of the procedure for exercising the right to inspect, review and request amendment of student records.
6. 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 written consent. The District will not sell directory information.
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 may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation.

The District will effectively notify parents, guardians and students who have a primary or home language other than English.

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 four (4) 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 a student's:

- Name
- Address (except information about a homeless student's living situation, as described below)
- Telephone number
- Date and 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
- Class schedule
- Photograph
- Class roster

Information about a homeless student's living situation will be treated as a student educational record, and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student's address information in the same way they would for other student education records. The District's McKinney-Vento liaison will take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities and other beneficial activities.

Once the proper FERPA notification is given by the District, a parent, guardian or eligible student will have fourteen (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 District or until the eligible student or parent/guardian revokes the "opt-out."

The District may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 2551, School District Records
 6200, Programs for Students with Disabilities Under IDEA and Article 89
 6160, Education of Homeless Children and Unaccompanied Youth
 2550, Information and Data Privacy, Security, Breach and Notification

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99
 No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)
 10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
 Education Law §§ 2-a; 2-b; 2-c; 2-d; 225
 Public Officers Law §87(2)(a)
 Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
 8 NYCRR 185.15 (Appendix L) Records Retention and Disposition Schedule
 LGS-1
 Guidance for Reasonable Methods and Written Agreements:
http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf
 Family Policy Compliance Office website:
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Administrative Regulations for School District Records - It was unanimously agreed that these Regulations be placed on the December 15th Business Meeting for adoption by the Board with no changes.

Docket #0-164: **Policy 1331 – Gratuities for School Personnel** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board with no changes.

Docket #0-165: **Policy 2455 – Crisis Response** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board with no changes.

Docket #0-166: **Policy 3547 – Special Transportation** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board with no changes.

Docket #0-167: **Policy 4211 – Non Certified Personnel Recruitment and Selection** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board with the following changes: **Replace** references to “Business Manager” with “Assistant Superintendent for Business & Operations” and remove last sentence under Recruitment.

Docket #0-168: **Policy 5114 Request for Early Dismissal of a Student** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board as follows: **Remove:** “If a parent or guardian wishes an early dismissal for his/her child on a given day, such request should be in writing and must be preferred to the principal’s office for consideration”
Replace: “In the event a person requests an early dismissal for a student, such request should be in writing and must be referred to the principal’s office for consideration. The identity of such person making the request shall be verified against a list of names provided to the District by the person or persons in parental relation to the student, as defined in New York Education Law § 2(10).”

Docket #0-169: **Policy 5115 – Release of Student by Building Principal in an Emergency** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board with the following change: **Remove** first sentence – “The building principal may waive standard procedures and release a student on the request of a parent or legal guardian provided the principal believes an emergency exists.”


Docket #0-170: **Policy 8345 – School Board Use of Electronic Mail** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board

with the following change: In Ref: **Add** "LGS-1" and **Remove** "for Use by School Districts and BOCES"

Docket #0-171: **Policy 9275 – Duties of the Internal Auditor** – It was unanimously agreed that this Policy be placed on the December 15th Business Meeting for adoption by the Board with no revisions.

At 7:51 p.m. upon the motion of Ms. Shinsato, seconded by Mr. Hoffman and carried by five, the Special Business/Policy Meeting was adjourned to Executive Session to discuss personnel and receive advice from counsel.

At 8:300 p.m. upon the motion of Ms. Shinsato, seconded by Mr. Magaraci and carried by five, Executive Session was adjourned.



Theresa Bryant, District Clerk