

## 2022-2023 Annual FERPA Notification

The Family Educational Rights and Privacy Act (FERPA) gives parents and students age 18 and older rights over student education records. The Parents' Bill of Rights for Data Privacy and Security provides you with additional rights, and Chancellor's Regulation A-820 provides additional information.

Please note that if you are a student and age 18 or over, these rights belong to you, and not your parents or guardians.

Among other things, you have the right to:

- Inspect and review your child's education records within 45 days after the DOE receives your request.
- You should submit a written request that identifies the record(s) you wish to inspect.
- Your child's school will notify you of the time and place where you may inspect the records.
- Request changes to your child's education records when you believe they are inaccurate, misleading, or violate your child's privacy rights under FERPA.
  - You should make requests to amend records in writing, and identify what you want changed and the reason for doing so.
  - If the DOE decides not to amend records as requested, you will be notified of the decision, and of your right to a hearing and certain hearing procedures.
- Provide written consent before personally identifiable information in your child's education records is disclosed. However, in certain cases, FERPA allows disclosure without consent. Cases permitting disclosure without consent include:
  - Disclosure to school officials who need to review education records to fulfill their professional responsibilities. School officials include:
    - DOE employees (such as administrators, supervisors, teachers, other instructors, or support staff members); and
    - People whom the DOE engages to perform services or functions for which it would otherwise use its employees. These include (a) individuals and entities providing DOE services and functions through contracts, (b) employees of other government agencies providing DOE-related services or functions, such as attorneys in the NYC Law Department representing the DOE, and school nurses and Office of School Health staff employed by the NYC Department of Health and Mental Hygiene, (c) parents, students, or other volunteers assisting other school officials in performing their tasks, and (d) other qualifying individuals or organizations, such as consultants and community-based organizations, but only if they have agreed in writing to keep student information confidential. Such people are required to be under the direct control of the DOE with respect to the use and maintenance of personally identifiable information from education records. Direct control is achieved in various ways, including by written agreement.

- When records are requested by officials of another school, district or education institution in which your child seeks or plans to enroll, or is already enrolled if made for purposes of your child's enrollment or transfer.
- Other exceptions exist that permit disclosure of personally identifiable information without consent include certain types of disclosures. Some are listed below. Most of these types of disclosures are subject to certain additional requirements and limitations. Please see FERPA and Chancellor's Regulation A-820 for more information about them.
  - to authorized representatives of government entities and officials in connection with audits, evaluations, or certain other activities;
  - in connection with financial aid for which the student has applied or which the student has received;
  - to organizations conducting studies for, or on behalf of, the NYCDOE;
  - to accrediting organizations to carry out their accrediting functions;
  - to parents of students age 18 and over if the student is a dependent for Internal Revenue Service (IRS) tax purposes;
  - to comply with a judicial order or lawfully issued subpoena;
  - to appropriate officials in connection with a health or safety emergency; and
  - of information that the NYCDOE has designated as "directory information."
- File a complaint with the USDOE if you believe the NYC DOE failed to comply with FERPA's requirements. Complaints may be filed here:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue  
SW Washington, DC 20202-8520  
or by email to [FERPA.Complaints@ed.gov](mailto:FERPA.Complaints@ed.gov)