



Family Educational Rights and Privacy Act (FERPA) Policy & Protection of Pupil Rights Amendment (PPRA) Notification

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents/guardians certain rights concerning their children’s education records. These rights transfer to the student when the student reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are “eligible students.”

Parents/guardians or eligible students have the right to inspect and review the student’s education records maintained by the School within forty-five (45) days of the School receiving a request for access. Parents/guardians or eligible students should submit a written request to the Principal that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent/guardian or eligible student of the time and place where the records may be inspected. The School is not required to provide copies of records unless there are reasons (e.g., great distance, illness, disability, etc.) that make it impossible for parents/guardians or eligible students to inspect the records in person. In this instance, Cardinal McCloskey Charter School (“CMCCS” or the “School”) may charge a fee for postage and 0.25 cents for each page copied.

Parents/guardians or eligible students have the right to request that the School amend records that they believe to be inaccurate or misleading or otherwise in violation of the student’s privacy rights under FERPA. Parents/guardians or eligible students may ask the School to amend a record that they believe is inaccurate or misleading by writing to the Principal, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading. If the School decides not to amend the record as requested by the parent/guardian or eligible student, the School will notify the parent/guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. After the hearing, if the School still decides not to amend the record, the parent/guardian or eligible student has the right to place a statement with the record setting forth their view about the contested information. Additional information regarding the hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.

Generally, the School must have written consent from the parent/guardian or eligible student before the School discloses personally identifiable information contained the student’s education



record, except to the extent that FERPA authorizes disclosure without consent. The exceptions, which permit disclosure without consent, include disclosure to:

- School officials with legitimate educational interests or an authorized representative
 - 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’s Board of Trustees, a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another School official in performing their tasks.
 - A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.
 - An authorized representative is any individual or entity designed 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.
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the School;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

The School may disclose, without the parent’s/guardian’s or eligible student’s consent, “directory information,” such as the student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, the School must inform parents/guardians and eligible students about directory information and allow parents/guardians and eligible students a reasonable amount of time to request that the School not disclose directory information about them. The School must notify parents/guardians annually of their rights under FERPA.

The Principal shall be responsible for ensuring that all requirements under federal statutes and state regulations pertaining to the confidentiality of student records shall be carried out by the School. The School maintains a school directory which will be distributed to each parent/guardian at the beginning of the school year.



What Records are Maintained

1. *What kind of student data is subject to the confidentiality and security requirements of FERPA and New York State law (e.g., New York State Education Law §2-d)?*

The law applies to personally identifiable information contained in student records of an educational agency. The term “student” refers to any person attending or seeking to enroll in an educational agency, and the term “personally identifiable information” (“PII”) includes, but is not limited to:

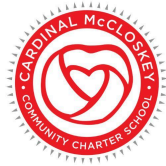
- a. The student’s name;
- b. The name of the student’s parent/guardian or other family members;
- c. The address of the student or student’s family;
- d. A personal identifier, such as the student’s social security number, student number, or biometric record;
- e. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
- f. 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
- g. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Education Records (K-12) under FERPA are defined as follows:

Education Records are those records, files, documents, and other materials that (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

- (i) 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 record;
- (ii) records maintained by a law enforcement unit of the educational agency or institution, subject to applicable law;



(iii) records relating to an individual who is employed by an educational agency or institution that (1) are made and maintained in the normal course of business; (2) relate exclusively to such person in that person's capacity as an employee; and (3) are not available for use for any other purpose;

(iv) records of a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, which are (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity; (2) made, maintained, or used only in connection with treatment of the student; and (3) disclosed only to individuals providing the treatment (for purposes of this policy, the term "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency of institution);

(v) records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and

(vi) grades on peer-graded papers before they are collected and recorded by a teacher.

NOTE: PII that has been properly de-identified or that is shared under the "directory information" exception, is not protected by FERPA, and thus is not subject to FERPA's use and re-disclosure limitations.

What kind of student data is not subject to the confidentiality and security requirements of Education Law §2-d and FERPA?

The confidentiality and privacy provisions of Education Law §2-d and FERPA extend only to PII, and not to student data that is not personally identifiable. Therefore, de-identified data (e.g., data regarding students that uses random identifiers), aggregated data (e.g., data reported at the school district level) or anonymized data that could not be used to identify a particular student is not considered to be PII and is not within the purview of FERPA or Education Law §2-d.

May a parent/guardian or eligible student file a complaint concerning the School's alleged failure to comply with FERPA?

A parent/guardian or eligible student may file a complaint concerning alleged failures by the School to comply with the requirements of FERPA. The Office that administers FERPA is Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202.



PPRA Notice and Consent/Opt-Out for Specific Activities

The Protection of Pupil Rights Amendment (“PPRA”) gives parents/guardians and students 18 years and older certain rights regarding participation in surveys, the collection and use of information for marketing purposes, and certain physical exams. PPRA grants parents/guardians and students the following rights:

1. The right to provide written consent before students participate in any mandatory survey, analysis, or evaluation that reveals information concerning the following (collectively, the “Protected Areas”):
 - a. Political affiliations or beliefs of the student or student’s parent/guardian;
 - b. Mental or psychological problems of the student or student’s family;
 - c. Sex behavior or attitudes;
 - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. Critical appraisals of others with whom respondents have close family relationships;
 - f. Legally recognized privileged or analogous relationships, such as those of lawyers, doctors, physicians, or ministers;
 - g. Religious practices, affiliations, or beliefs of the student or the student’s parent/guardian; or
 - h. Income (other than as required by law to determine program eligibility for participation in a program or for receiving financial assistance under such program).
2. The right to receive notice and an opportunity to opt out of participating in optional surveys, analyses, or evaluations that reveal information concerning any of the Protected Areas.
3. The right to receive notice and an opportunity to opt out of participating in any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the School in advance, and that is not necessary to protect the immediate health and safety of the student or other students, with some exceptions. This does not include hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required by State law.
4. The right to inspect, upon request, the following, prior to their administration or use:
 - a. Any survey that solicits information concerning the Protected Areas listed above; and
 - b. Any instructional materials used as part of the student’s educational curriculum.

Please note that parents/guardians are not required by PPRA to be notified about the collection, disclosure, or use of personal information collected from students for the exclusive purpose of



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developing, evaluating, or providing educational products or services for, or to, students or educational institutions.

The School will provide parents/guardians, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities, an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents/guardians to any student who is 18 years old or an emancipated minor under State law.)



**FERPA Directory Information
Opt-Out Form
School Year 202__ - 202__**

Parent or guardian name:

Student name:

Student grade:

Student ID number:

School name:

Date:

Parent/Guardian signature (if student is under 18):

Parent or guardian email address:

Student signature (if student is over 18):

Student email address:

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Cardinal McCloskey Community Charter School (“CMCCS” or the “School”), with certain exceptions, obtain a student’s parent/guardian or eligible student’s (age 18 or older) written consent prior to the disclosure of personal identifiable information from a student’s education records. However, the School may disclose designated “directory information” without written consent, unless a parent/guardian or eligible student has advised the School to the contrary in accordance with the School’s procedures. The primary purpose of directory information is to allow the School to include basic information about students, such as their names, image, grade level and awards in School publications (e.g., playbill showing a student’s role in a drama production, yearbook, honor roll or other recognition lists, graduation programs, sports activity sheets, etc.).

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/guardian’s or eligible student’s prior written consent.

The School has designated that the following information as directory information:

- Student name;
- Telephone numbers (e.g., home, cell, etc.);
- Parent personal information (e.g., name, address, phone, etc.);
- Photograph;
- Video or electronic images;
- Date of birth;



- Place of birth;
- Home or permanent address;
- E-mail address;
- Dates of attendance;
- Weight/Height;
- Enrollment Status (e.g., full-time, part-time);
- Grade or class standing (e.g., grade 3, or sophomore);
- Most recent school or educational institution attended;
- Participation in officially recognized activities and sports;
- Degree(s) received;
- Awards and honors received;
- Clubs/Affiliations;
- Any information that might otherwise be considered personal or confidential; and
- School or district issued student ID number.*
 - Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
 - A student ID number or other unique personal identifier that is displayed on a student ID budget, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

If you do not want the School to disclose any or all of the types of information designated above as directory information from your child's education records without your prior written consent, you must check the information above that you do not want disclosed and return this form to the Principal. The School will not disclose the above checked information to any third party without your written consent, except as otherwise required by law.

Once the proper FERPA notification is given by the School, a parent/guardian or eligible student will have **fourteen (14) days** to return this form notifying the School of any objections they have to any of the "directory information designations. If no objection is received, the School may release this information without prior approval of the parent/guardian or eligible student for the release. Once the parent/guardian or eligible student provides an "opt-out," it will remain in effect after the student is no longer enrolled at the School.



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For help with this form or understanding your rights or if you change your mind and wish to opt back in, please contact the Principal.

Annual Notification

General Reference:

Family Educational Rights & Privacy Act 20 USC 1232-g; 34 CFR Part 99

New York Education Law §§2-d; 225; 301

New York Public Officers Law §87(2)(a)

New York Arts and Cultural Affairs Law, Article 57-A

New York Civil Practice Law and Rules §§2303; 2307

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