



Adults and Children with Learning and Developmental Disabilities, Inc.

Kramer Learning Center
1428 Fifth Avenue
Bay Shore, NY 11706

**Alan and Ellen Spiegel
Children's Center**
67 Greenwood Road
Bay Shore, NY 11706

**Bay Shore Special
Education Pre-K Program**
70 Brentwood Road
Bay Shore, New York 11706

Parents' Bill of Rights

To satisfy our responsibilities regarding the provision of education to students, Adults and Children with Learning and Developmental Disabilities Inc. (ACLD) collects and maintains certain Personally Identifiable Information (PII) in the educational records of all of students in our Preschool programs. As part of the Common Core Implementation Reform Act, Education Law §2-d requires that ACLD develop a Parents' Bill of Rights for Data Privacy and Security (Parents' Bill of Rights). The ACLD Parents' Bill of Rights is included in our Parent and Child Handbook, is posted on our website (www.aclid.org) and is provided to all ACLD employees.

The purpose of this Parent's Bill of Rights is to inform the parents and legal guardians of all students enrolled at ACLD of the legal requirements regarding privacy, security and use of student data. The laws that govern this Parents' Bill of Rights include the Federal Family Education Rights and Privacy Act (FERPA), Personal Privacy Protection Law (PPPL) and the Education Law §2-d.

A. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) provides certain rights for parents regarding their children's education records. FERPA gives these rights to custodial and noncustodial parents alike, unless there is a court order, legally binding document, or state law that specifically provides to the contrary. When a student reaches 18 years of age or attends an institution of postsecondary education at any age, he or she becomes an "eligible student," and all rights under FERPA transfer from the parent to the student.

- (i) The rights of parents under FERPA are summarized ACLD's FERPA Notification of Rights (attached), which is derived from the Model Notification of Rights prepared by the United States Department of Education. It can be accessed at: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.
- (ii) For more information regarding FERPA and other student privacy issues, please visit <https://studentprivacy.ed.gov>.

B. The rights of parents and guardians under the Personal Privacy Protection Law (PPPL), Article 6-A of the Public Officers Law relating to records held by state agencies can be accessed at <https://opengovernment.ny.gov/what-you-should-know-nys-personal-privacy-protection-law-pppl>.

C. Parents' rights under **Education Law §2-d** relate to unauthorized release of Personally Identifiable Information that are contained in student records of ACLD. Personally Identifiable Information includes, but is not limited to:

1. The student's name;
2. The name(s) 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 educational agency or institution reasonably knows the identity of the student to whom the education record relates.

Parents' Rights under this law include:

1. A student's Personally Identifiable Information cannot be sold or released for any commercial or marketing purpose.
2. Parents have the right to inspect and review the complete contents of their child's education record.
3. Procedures must be in place to protect student data. ACLD has the following safeguards in place to protect student data:
 - i. All data bases that contain student information are protected by secure password and login;
 - ii. Student information is only accessible by approved personnel.
 - iii. All paper files are stored in locked and monitored file cabinets.

ACLD has compliance documents and specific confidentiality policies and procedures required to be followed by all staff.

Education Law §2-d also limits the collection of data:

1. Only PII related to educational purposes will be collected.
2. NYSED may only require ACLD to submit data when it is required by law.
3. ACLD shall not report to NYSED student data regarding juvenile delinquency records, criminal records, medical and health records or student biometric information. Parents may access the NYSED Student Data Elements List, a complete list of all student data elements collected by NYSED at: <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>, or obtain a copy of this list by writing:

The Office of Information & Reporting Services
New York State Education Department, Room 863
89 Washington Avenue
Albany, NY 12234

COMPLAINTS

Complaints regarding possible breach of student data should be directed in writing to New York State at:

NY State Education Department Chief Privacy Officer
New York State Education Department
89 Washington Avenue
Albany, NY 12234

Emailed to: CPO@mail.nysed.gov

To ACLD's Corporate Compliance Officer:

ACLD Corporate Compliance Officer
807 South Oyster Bay Road
Bethpage, NY 11714
Emailed to: Privacy@acld.org

Anonymously to ACLD at:

<https://acld.ethicaladvocate.com> or (855) 271-0732

For more information regarding the laws that govern this Parents' Bill of Rights please reference the publication at the following website:

<https://www.nysed.gov/data-privacy-security/federal-laws-protect-student-data>



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Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("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 after the day ACLD receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they wish to inspect. The school principal 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 ACLD to amend their child's or their education record should write the school principal or Program Director, 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 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 provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, the school must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by ACLD to comply with the requirements of FERPA.

Complaints can now be filed online at <https://studentprivacy.ed.gov/file-a-complaint>. Click “FERPA Complaint Form to access the complaint form. Once you have completed the form, you may either e-mail it to SPPO at FERPA.Complaints@ed.gov, or mail it to the following address:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Ave, SW
Washington, DC 20202-8520

FERPA permits the disclosure of PII from students’ education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student’s State. Disclosures under this provision may be made, subject to the requirements of § 99.35, 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. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system

and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))