



Data Privacy & Security

On this page, you will find information regarding:

- [Parents' Bill of Rights](#)
- [Family Rights and Privacy \(FERPA\)](#)
- [Protection of Pupil Rights](#)

Parents' Bill of Rights (Summary)

The legislature and governor passed a group of bills that adjusted the Regents Education Reform Agenda. These bills are known collectively as the “Common Core Implementation Reform Act.” One of the key components of this act (Chapter 56, Part AA, Subpart L, of the laws of 2014) directed the Commissioner of Education to appoint a Chief Privacy Officer (CPO). A major function of this new position is to work with school schools and parents to develop elements for a parents’ bill of rights to help ensure that student data is private and secure. The New York State Education Department (NYSED) and the CPO must also recommend regulations to establish standards for data security and privacy policies that will be implemented statewide.

The NYSED Parents Bill of Rights can be found below. The Persistence Preparatory Academy is issuing this summary of parents’ rights under the law 2d. While some additional elements will be developed in conjunction with the CPO, school, parents and the Board of Regents, this summary sets forth the key rights and information that parents should be aware of in regard to ensuring the privacy and security of their student’s educational data. Parents should be aware that:

- 1.** A student’s personally identifiable information cannot be sold or released for any commercial purposes;
- 2.** Parents have the right to inspect and review the complete contents of their child’s education record;
- 3.** State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- 4.** A complete list of all student data elements collected by the State is available for



public review online or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, New York 12234; and

5. Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed as follows, using this [form](#):

Ms. Adria Sortino, Director of Operations
378 Urban Street
Buffalo, New York 14211

Chief Privacy Officer
New York State Education Department
89 Washington Avenue
Albany, New York 12234
CPO@mail.nysed.gov

If Persistence Preparatory Academy enters into a third-party contract in which the service provider receives student data or teacher or principal data in order to provide a needed service for the School, supplemental information shall be developed and provided to parents that states:

6. The exclusive purposes for which the student data or teacher or principal data will be used;

7. How the third-party contractor will ensure that the subcontractors, persons or entities that the third-party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements;

8. When the agreement expires and what happens to the student data or teacher or principal data upon expiration of the agreement;

9. If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected; and

10. Where the student data or teacher or principal data will be stored and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.

As indicated above, once the CPO is appointed by the Commissioner he or she must secure input from parents and other education and expert stakeholders to develop additional elements for the Parents' Bill of Rights for Data Privacy and Security. The Commissioner of Education will also be promulgating regulations with a comment period for parents and other members of the



public to submit comments and suggestions to the CPO.

In the meantime, you can access additional information and a question and answer document issued by SED as a preliminary Parents' Bill of Rights for Data Privacy and Security.

If you have any further questions or concerns at this time, please contact:

Ms. Adria Sortino, Director of Operations
378 Urban Street
Buffalo, New York 14211

Family Rights and Privacy (FERPA)

The school's procedures for the confidentiality of student records are consistent with federal statutes, including the Family Educational Rights and Privacy Act (FERPA). The parents, those acting in a parental relationship, or eligible students of the Persistence Preparatory Academy are hereby notified that you have the following rights in relation to student records under the Family Educational Rights and Privacy Act (FERPA) and Board of Education Policy #7240:

1. The right to inspect and review a student's education records, unless otherwise limited by court order or other legally binding instrument, within 45 days of receipt of request.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate. Parents or eligible students may request such an amendment by writing to the School Principal (or appropriate school official), clearly identify the part of the record they want changed, and specifying why it is inaccurate. 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 advise them of the right to a hearing regarding the requested amendment. Additional information regarding hearing procedures will be provided to the parent or eligible student when notified of this right.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
4. There are exceptions which allow for disclosure without consent:



- Educational records may be released to school officials with legitimate educational interests. A school official is a person employed by a school school as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); 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 or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review the educational record in order to fulfill his or her professional responsibility.
 - Education records of a student concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community may be disclosed to school officials in other schools who have been determined to have a legitimate educational interest in the behavior of the student.
 - Educational records may be disclosed by school officials, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of the Individuals with Disabilities Education Act, to another school or postsecondary institution in which the student seeks or intends to enroll.
1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-4605.
 2. If either a student's parent, those acting in a parental relationship, or the eligible student desire to obtain copies of the policy pertaining to student records, notification should be presented to the Head of School, 378 Urban St., Buffalo NY 14211.

Release of information beyond that noted above requires parental consent.

Noe – All rights and protections given parents under the FERPA and this policy transfer to the student when he or she reaches age 18 and petitions for self-determination, or attends a post-secondary school, or has been designated an “emancipated minor”. The student then becomes an “eligible student.”

Designated Directory Information



The school designates the following personally identifiable information contained in a student's education record as "directory information" and shall release the information without prior written consent, unless it is for commercial purposes.

1. Student's name and date of birth (if required for school-sponsored course, organization, activity, or report)
2. Name(s) of the student's parent(s) or legal guardians
3. Student's address and phone number to law enforcement authorities for the purposes of complying with active investigations.
4. Student's grade designation (i.e., first grade, tenth grade, etc.)
5. Student's extracurricular school activities and offices (e.g., member of the Math Club; Secretary of Student Council)
6. Student's school achievement, awards and honors (e.g., member of National Honor Society; selected for MVP award in Soccer)
7. Relevant statistics and personal data if a member of an athletic team or other school sponsored course, organization, or activity
8. Present and previous school(s) attended by the student.

Opt Out - If you do not want the school to disclose the above directory information from your child's educational records without your prior written consent, including to military recruiters, institutions of higher education, and potential employers, you must notify the School in writing by September 30 for the current school year. This notice must be sent to the building principal of your child's school on a yearly basis.

Please note – A student photograph, video, or recording is not designated as "directory information." However, these may be used without prior written consent in School programs or to provide information or publicity for a school activity, the student, school or School. If you refuse to permit use of your student's photograph, video or recording for these School purposes, you must notify the School in writing as directed above by September 30 for the current school year and expires on June 30 of that school year.

Confidentiality

The School adheres to the Family Educational Rights and Privacy Act (FERPA). Private health care providers must follow other laws called Health Insurance Portability and Accountability Act (HIPAA). In instances where the school needs to communicate with private health care providers, the parent will need to complete the required form(s) from their health care provider in order for school officials to be able to speak with them. Please be advised that confidential medical information will be shared with school personnel who need to know. This may include understanding the impact a medical condition may have on a child within the classroom setting and/or how to recognize and potentially manage significant medical concerns until medical help arrives. If you have



any questions, please contact your school nurse.

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas if the survey is funded in whole or in part by a program of the U.S. Department of Education or is issued by a “third party”:

1. Political affiliations or beliefs of the student or student’s parent’
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes’
4. Illegal, anti-social, self-incriminating, or demeaning behavior’
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships such as with lawyers, doctors, or ministers’
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use:

1. Protected information surveys of students;



2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520