

## HAMILTON COUNTY PUBLIC HEALTH NURSING SERVICE

### NOTICE OF THE FAMILY EDUCATIONAL RIGHTS TO PRIVACY ACT

THIS NOTICE DESCRIBES HOW EDUCATIONAL INFORMATION ABOUT THE STUDENT MAY BE USED AND DISCLOSED AND HOW THE STUDENT CAN GET ACCESS TO THIS INFORMATION.

PLEASE REVIEW IT CAREFULLY.

The Hamilton County Public Health Nursing Service is required by The Family Educational Rights to Privacy Act (FERPA) to maintain the privacy of the student's personally identifiable educational information (PIEI) and to give you this notice of legal duties and privacy practices with respect to educational information. This notice may be revised at any time. Any revisions of this notice will be effective for past, present or future PIEI contained in the Agency's record. The Agency is required to give you a copy of this Notice annually.[99.7(a)(1)]

#### Your Rights under FERPA:

1. You have a right to inspect or review PIEI when you submit a written request to the originator of that portion of the PIEI that you want. [99.7(a)(2)(i), 99.34(2)&69-4.17(c)(d)] If your request to access is approved and you request a copy of these records, you will not be charged for the search and retrieval of the records. [99.11(b)] However, the Agency can charge a fee of up to 10 cents per page (25 cents for second copy) of Early Intervention Program Records and up to 75 cents per page of Preschool Education Program Records, NYS allowed rate, unless the fee would prevent the parent (PIEI) from exercising their rights. [99.11(a)]
2. You may request an amendment to PIEI, if a written request is received by the originator of PIEI stating that portion of the education record you wish amended, and the request must include the reason for your amendment request. Your request will be reviewed. [99.7(a)(2)(ii),(3)(i)] Your request for an amendment may be denied. You have a right to a fair hearing if you are denied an amendment.
3. You have a right to lodge a complaint with the Early Intervention Official or Public Health Official in writing at the address on page 2 if you feel your FERPA rights are violated. [99.7(a)(2)(iv)]
4. The Agency does not disclose (PIEI) directory information [99.37(a) & 99.31(a)(11)]. If in the future the Agency begins to provide directory information, you will be: given notice by the Agency of its change in practice, notified of what is included in the contents of the directory [(99.37 (a)(1)], provided with a specific timeframe to submit a written refusal to allow the Agency to disclose (PIEI) as directory information. [99.37(a)(2-3)] Former (PIEI) may be disclosed as part of directory information without meeting the conditions stated above.[99.37(a)(b)].
5. The Agency does not disclose the final results of a disciplinary proceeding conducted by an institution when a victim of a crime of violence or a non-forcible sex offense is involved with respect to that alleged crime or offense. [99.31(a)(13)&(14)(i)(A-B) and (14) (ii)(iii) and & 99.39]

Disclose with your consent: Examples not covered by this notice or applicable law will be made only with your written permission. Your consent to disclose or to re-disclose PIEI to other parties must be obtained, except to the extent that NYS and Federal Laws authorize disclosure without consent as stated on page 2: [99.7(a)(2)(iii)]

#### Disclose without your consent:

- (1) To institutions or parties who have a legitimate educational interest. [99.31(a)(1)]
- (2) To school officials with a legitimate interest. [99.31(a)(2)], or to another educational institution where the (PIEI) seeks or intends to enroll [99.34(a)(1)(ii)], or when the disclosure is initiated by the parent or eligible (PIEI) [99.34(a)(1)(i)]
- (3) To authorized representatives of the: Comptroller General or Attorney General or Secretary of the United States, or State and local educational authorities. [99.31(a)(3)(i)-(iv)]
- (4) To determine financial aid for which the (PIEI) has applied or received, if necessary to determine eligibility for aid, the amount of aid, conditions for aid, or enforce the terms and conditions of the aid. [99.31(a)(4)(i)(A)-(D)]
- (5) To determine whether the juvenile justice system can effectively serve the (PIEI); it will be provided only to State and local officials or authorities to whom PIEI is specifically allowed to be disclosed under a State statute adopted before 11/19/74, or allowed to be reported or disclosed per a State statute adopted after 11/19/74. However in the latter case, written certification promising re-disclose such PIEI will not occur except as provided by law, will be required or prior written consent will be obtained prior to re-disclosure. [99.31(a)(5)(i)(A)&(B) & 99.38(a)(b)]

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- (6) To organizations conducting certain studies for, or on behalf of, educational institutions are permitted only if the study does request PIEI of parents and students. [99.31(a)(6)(i)]
- (7) To accrediting organizations to carry out their functions. [99.31(a)(7)]
- (8) To parents of a dependent student. [99.31(a)(8)]
- (9) The Agency or the parent initiates legal action against either party, and those records relevant to the action are provided to the court, without an order. [99.31 [(a)(9)(iii)(A-B)]
- (10) In an emergency, if the knowledge of the information is necessary to protect the health or safety of the student or other individuals. [99.31(a)(10) & 99.36(a)]
- (11) The parent of a student who is not an eligible student. [99.31(a)(12)]
- (12) To a parent of a student under the age of 21 at the time of disclosure, regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution and the institution determines that the student has committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance. [99.31(a)(15)(I)(A & B)]
- (13) When specifically authorized by law, or
- (14) When disclosure is required to Officials of the Federal and/or State Government is required in connection with audit/evaluation, or
- (15) When enforcement of or compliance with Federal legal requirements related to educational programs is being evaluated. [99.35(a)&99.35(c)(1-2)]
- (16) To comply with a judicial order or lawfully issued subpoena. [99.31(a)(9)]
- (17) The Agency will make a reasonable effort to try to contact you to notify you of receipt of an order or subpoena [99.31(a)(9)(ii)], unless we are specifically ordered by law not to. [99.31(a)(9)(ii)(A-B)]

**Complaints:**

May be addressed to or lodged with the Agency's Early Intervention Official at:

Phone #: 518-648-6497

Address:

Beth Ryan, DPH/ DPS/ EIO  
P.O. Box 250, White Birch Lane  
Indian Lake, NY 12842

If you believe that the student's educational rights have been violated, you have the right to complain without fear of reprisal or retaliation. Written complaints can also be made directly to the Office of Compliance at the following address: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605. (99.63)

Signature \_\_\_\_\_ Date \_\_\_\_\_