**School 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 the Hawthorne Foundation Inc., d/b/a Hawthorne Country Day School (“School”) 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 Data Privacy Officer a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

1. 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 the School to amend their child’s or their education record should write the school Data Privacy Officer, 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.

1. 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.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school’s or school district’s annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by 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 Avenue, SW

Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

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))

**School Directory Information Public Notice**

As required by § 99.37 of the FERPA regulations, HCDS will provide an annual notification of rights under FERPA concerning the disclosure of directory information as set forth on the following pages.

Please refer to Attachments A, B, C, and D.

**Attachment A**

Parents' Bill of Rights for Student Data Privacy and Security Policy.

Hawthorne Foundation Inc., doing business as Hawthorne Country Day School ("HCDS") has adopted New York's Parents Bill of Rights for Data Privacy and Security (the "Bill of Rights") as set forth herein. In this Bill of Rights, "Parent" means a parent, legal guardian, or person in parental relation to a student. HCDS agrees that, with respect to any records held by HCDS containing a student's data:

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 at http://www.nysed.gov/common/nysed/files/programs/student-dataprivacy/collected-data-elements.pdf or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234; and
5. Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to HCDS's Data Privacy Officer (as set forth in the complaint procedure below) or to NYSED. Complaints to NYSED should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to CPO@mail.nysed.gov.

Note: information on links to information available from and how to contact the New York State Education Department come from the NYSED website and is subject to any changes made by NYSED.

**Attachment B**

School 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 the Hawthorne Foundation Inc., d/b/a Hawthorne Country Day School ("School") 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 Data Privacy Officer a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

1. 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 the School to amend their child's or their education record should write the school Data Privacy Officer, 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.

1. 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.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance ofPII

from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by 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 Avenue, SW

Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure ofPII 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 are met. (S
	+ 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. (S 99.31
	+ To authorized representatives ofthe 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. (S} 99.31 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 ofthe aid. (S 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. (S 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. (S 99.31
	+ To accrediting organizations to carry out their accrediting functions. (S  To parents of an eligible student ifthe student is a dependent for IRS tax purposes. (S



* + To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (S 99.31
	+ To appropriate officials in connection with a health or safety emergency, subject to 99.36. (S
	+ Information the school has designated as "directory information" if applicable requirements under 99.37 are met. (S 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. 



* + To the Secretary of Agriculture or authorized representatives of the Food and

Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements ofprograms authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C.

School Directory Information Public Notice

As required by 99.37 of the FERPA regulations, HCDS will provide an annual notification of rights under FERPA concerning the disclosure of directory information as set forth on the following pages.

**Attachment C**

Third-Party Contractors Contract Addendum

See following 3 pages.

Vendor Acknowledgement and Addendum

Parents Bill of Rights for Student Data Privacy and Security and Vendor Duties

This Vendor Acknowledgement and Addendum ("Addendum") is made between Hawthorne

Foundation Inc. ("Agency") and  ("Company")•

Agency and Company are parties to an agreement (the "Agreement") dated [—]

(the "Agreement Date"). Pursuant to New York Education Law S 52-d and the provisions of Part 121 of the Regulations of the Commissioner of the Education Department of New York ("Part 121 "), Agency and Company agree as follows:

1. New York's Parents Bill of Rights for Data Privacy and Security (the "Bill of Rights") is incorporated into this Addendum. "Parent" means a parent, legal guardian, or person in parental relation to a student. Company agrees that, with respect to any records held by Company containing a student's data:
	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 at http://www.nysed.gov/common/nysed/files/programs/student-dataprivacy/collected-data-elements.pdf or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234 ; and
	5. Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to Agency's Privacy Officer (as set forth below) or to NYSED. Complaints to NYSED should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to CPO@mail.nysed.gov.
2. Supplemental Information:
	1. The exclusive purposes for which Company will use the student data or teacher or principal data is [fill in purpose(s) under the Vendor Agreement].
	2. All subcontractors for Company and any persons or entities that Company shares the student data or teacher or principal data with (who will be considered agents of Company) are contractually required by Company to employ data privacy and security practices that provide at least a commensurate level of protection for that data as does Company and as required by this Addendum.
	3. The Agreement expires on  Upon request of Agency within 60 days after the expiration or sooner termination of the Agreement, Company will return all personally identifiable information (including any such information held by Company's subcontractors or agents); if no request is made, Company will destroy or cause all such information to be destroyed. The security of the data will be maintained by Company until it is returned to Agency or destroyed.
	4. A parent, student, eligible student, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected by making a written request to the Agency's Privacy Officer (as set forth below).
	5. All student data or teacher or principal data will be stored on cloud servers within the United States and protected with industry standard and best practices procedures, including encryption when stored at rest.
3. Company maintains a publicly available list in its Privacy Policy of all student data or teacher or principal data elements collected by Company.
4. Company will promptly address any complaints about possible breaches of student data submitted to [address to submit complaints online and/or by emailI or mailed to: [Attn: . Company Name and Mailing Address]
5. Company will comply with all applicable state and federal laws to protect the confidentiality of personally identifiable information, and will employ safeguards associated with industry standards and best practices, and meeting all standards adopted by law or regulation, including but not limited to, encryption, firewalls, and password protection. All required protections will be in place when data is stored or transferred.
6. Company shall provide security training to its officers and employees who have access to student data or teacher or principal data (and shall require that its subcontractors and agents also provide such training) on all applicable state and federal laws and regulations governing confidentiality of student data and/or principal or teacher data, including, without limitation, New York Education Law V-d and the regulations adopted thereunder.
7. Company will allow internal access to education records only to those individuals employed by Company or subcontracted thereby that need such access in order to provide contracted services.
8. If a breach of confidentiality occurs, Company will provide written notification to Agency within 48 hours of the incident and advise it as to the nature of the breach and the steps Company has taken to minimize such breach. All such notices shall comply with all applicable legal requirements.
9. If a breach or unauthorized release is attributed to Company or one of its subcontractors Company shall pay for or promptly reimburse Agency for the full cost of such notification and any costs related to remediation of the breach.
10. Any assignee of Company shall assume all of Company's obligations under this Addendum.
11. Complaints or challenges the accuracy of data permitted under this Addendum may be made in writing to:

Data Privacy Officer

Hawthorne Foundation Inc.

5 Bradhurst Avenue

Hawthome, NY 10532

or by email at:

privacy@hawthornecountryday.org

In witness whereof, Agency and company have executed this Addendum as of the Agreement

Date.

 Agency: Company:

Hawthorne Foundation Inc.

 By: 

Name: Name: Title: Title:

**Attachment D**

# Complaint Procedure for Breach or Unauthorized Release of Data

HCDS requires any complaint concerning a data breach or unauthorized release of data to be submitted in writing to the attention ofthe HCDS Data Privacy Officer. The complaint may be made by any (i) parent, (ii) eligible student, (iii) teacher, principal or other staff member of HCDS (the "Informant").

HCDS will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect personally identifiable information.

Following its investigation of a submitted complaint, HCDS shall provide the Informant with its findings within a reasonable period but no more than 60 calendar days from the receipt of the complaint by HCDS. Where HCDS requires additional time, or where the response may compromise security or impede a law enforcement investigation, 1--ICDS shall provide the Informant with a written explanation that includes the approximate date when the HCDS anticipates that it will respond to the complaint.

The HCDS Data Privacy Officer may be contacted by mail at:

Data Privacy Officer

Hawthorne Foundation Inc.

5 Bradhurst Avenue

Hawthome, NY 10532

or by email at:

privacy@hawthornecountryday.org

