

Public Notice
April 11, 2025

**REVISIONS TO CHANCELLOR’S REGULATION A-820 — CONFIDENTIALITY AND
RELEASE OF STUDENT RECORDS; RECORDS RETENTION**

I. Description of the subject and purpose of the proposed item under consideration.

This regulation addresses the confidentiality, retention, and disclosure of student records and personally identifiable information. It supersedes Chancellor’s Regulation A-820, Confidentiality and Release of Student Records; Records Retention, dated June 29, 2009.

The regulation has been revised to conform to amendments to federal regulations under the Family Educational Rights and Privacy Act (FERPA) and to the enactment of New York Education Law § 2-d and its implementing regulations, 8 N.Y.C.R.R. Part 121 (Ed Law 2-d).

On September 13, 2024, New York City Public Schools (NYCPS) published proposed revisions to this regulation. NYCPS published additional revisions to the regulation on October 31, 2024 and November 5, 2024 in response to public comments. The proposed revised regulation was withdrawn on or about November 27, 2024. In the interim, NYCPS convened a data privacy working group composed of advocates, privacy experts, Panel for Educational Policy members, and parent leaders to solicit feedback on the proposed regulation. NYCPS has now proposed updated revisions to the regulation that incorporate public comments received in 2024 and feedback from the working group.

The regulation has been reorganized for clarity and ease of understanding. The attachments to the regulation have been replaced with hyperlinks.

Below is a summary of proposed changes:

- Title:
 - Renames regulation from “Confidentiality and Release of Student Records; Records Retention” to “Confidentiality, Retention, and Disclosure of Student Records and Personally Identifiable Information.”
- Section II (formerly Section III):
 - Revises definitions of Disclosure, Education Records, Parent, Personally Identifiable Information (PII), Record, and Student;
 - Adds definitions of Authorized Third Party, Breach, Directory Information, School Official, and Student Personally Identifiable Information (Student PII);
- Section III (new):
 - Clarifies responsibilities of School Officials, including:

- Prohibits the use of PII for commercial or marketing purposes,
- Requires encryption of external transmissions of PII,
- Minimizes the collection of PII, and
- Requires training on the relevant privacy laws and regulations.
- Section IV (formerly Sections II and VII):
 - Codifies rights of Parents and Students, including:
 - The right to be notified of a Breach,
 - The right to opt out of certain surveys,
 - The right to have PII safeguarded, and
 - The right to receive notice of rights under FERPA, Ed Law 2-d, and the Protection of Pupil Rights Amendment (PPRA).
 - Clarifies that Parents, including Parents of Students in foster care, retain the rights enumerated in Section IV.A unless a court order, State statute, or other legally binding document specifically states otherwise.
- Section V (formerly Section IV):
 - Clarifies procedures for fulfilling requests for Education Records;
 - Clarifies procedures for fulfilling requests for Education Records that contain Student PII for multiple Students;
 - Modifies procedures for fulfilling requests by Restricted Parents (formerly Non-Custodial Parents) for Education Records;
 - Removes provision entitling schools and offices to charge a fee for copies of Education Records;
 - Incorporates procedures for former Students to request access to Education Records (formerly Section IX);
- Section VI (formerly Section V):
 - Clarifies procedures for requesting changes to Education Records;
 - Replaces description of procedures for appealing decisions relating to changing Education Records with hyperlink to DOE webpage describing such procedures;
- Section VII (formerly Section IV):
 - Clarifies requirements for obtaining consent to Disclose Student PII;
- Section VIII (formerly Sections IV and VI):
 - Clarifies permissions for Disclosing PII with neither consent nor a written agreement;
 - Clarifies when DOE employees have legitimate educational interests;
 - Incorporates Disclosure of PII to other schools or educational institutions for enrollment purposes (formerly Section VI);
 - Removes obsolete reference to DOE's Achievement and Reporting Innovation System (ARIS);
 - Adds FERPA exception permitting Disclosure of Student PII to the court in legal actions between the DOE and a Parent or Student;
 - Clarifies that suspected cases of child abuse and maltreatment may be reported to appropriate parties as a health and safety emergency, consistent with Chancellor's Regulation A-750;
 - Adds procedures for designating and Disclosing PII as Directory Information within the school community;

- Adds procedures for designating and Disclosing PII as Directory Information to outside the school community;
- Adds provision allowing Disclosure of Education Records pursuant to the Uninterrupted Scholars Act;
- Incorporates reference to Chancellor’s Regulation A-825 into provision concerning right to opt out of Disclosure of Student PII to military recruiters;
- Clarifies that notice to a Parent in advance of disclosing Education Records in accordance with a judicial order or subpoena is not required where a Parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding.
- Section IX (new)
 - Adds procedures for Disclosures of PII that require a written agreement, pursuant to Ed Law 2-d;
- Section XII (new)
 - Adds procedures for providing notifications of unauthorized Disclosures of PII, pursuant to Ed Law 2-d;
- Section XIII (new)
 - Adds rights of Parents and Eligible Students under the PPRA;
- Section XIV (new)
 - Clarifies procedures for external organizations conducting studies on behalf of DOE;
- Section XV (formerly Section VIII)
 - Clarifies Record retention and destruction obligations pursuant to Ed Law 2-d and the Retention and Disposition Schedule for New York Local Government Records (known as LGS-1);
- Section XVI (formerly Section II):
 - Adds contact information for filing complaints with the DOE, the New York State Education Department, and the United States Department of Education;
- Section XVII (formerly Section X):
 - Updates contact information for inquiries pertaining to this regulation.

II. Information regarding where the full text of the proposed item may be obtained.

The full text of this regulation can be found on the main page of the website of the Panel for Educational Policy: <https://www.schools.nyc.gov/about-us/leadership/panel-for-education-policy>.

III. Name, office, address, email and telephone number of the city district representative, knowledgeable about the item under consideration, from whom information may be obtained concerning the item.

Name: Dennis Doyle
 Office: Office of the General Counsel, Privacy Unit
 Address: 52 Chambers Street, Room 308, New York, NY 10007
 Email: RegulationA-820@schools.nyc.gov
 Phone: 212 374-7958

Written comments may be submitted via the e-mail address listed above. Oral comments may be submitted via the phone number listed above.

IV. Date, time and place of the Panel for Educational Policy meeting at which the Panel will vote on the proposed item.

May 28, 2025 at 6:00 p.m.
Michael J. Petrides School
715 Ocean Terrace
Staten Island, New York 10301