

The
University of the
Education  *State of New York*
Department

In the Matter of a Privacy Complaint

Filed Against

Mechanicville Central School District

Review and Determination of
the
Chief Privacy Officer

On July 25, 2025, the New York State Education Department’s (“NYSED”) Privacy Office received a complaint by a parent (“Complainant”) whose child attends the Mechanicville Central School District (the “district”). Complainant alleges that the district’s student management system allows any district staff member with access credentials to access any student’s education record, regardless of whether the staff member has a legitimate educational interest. Specifically, Complainant alleges that a teacher at the Mechanicville High School regularly monitors the grades of the top-ranked students in the school’s graduating class, including Complainant’s daughter, who is not in any of the teacher’s classes. According to Complainant, this practice constitutes an improper release of student personally identifiable information (“PII”) in violation of the Family Educational Rights & Privacy Act (“FERPA”) and Education Law § 2-d.

In response to the complaint, the Privacy Office requested that the district investigate the allegations, provide a written response summarizing its investigation, and address specific questions and issues. The district submitted its response on August 25, 2025.

District Response

The district explained that it has historically worked with the Northeastern Regional Information Center (“NERIC”) for technology matters, including the implementation and use of its student management system. As such, the district requested that NERIC conduct an independent inquiry into Complainant’s claims. The inquiry determined that the student management system does not maintain a record of users’ search and view history; it only maintains a record of changes made to a student’s education record. This inquiry found no evidence of improper access to student PII. Nevertheless, the district received guidance and advice on how to

mitigate any future privacy concerns and avoid improper access to student education records.

Applicable Law

FERPA¹ is a federal law that protects the privacy of student education records, and places restrictions upon educational agencies regarding the release of student PII. New York has adopted additional privacy laws and regulations² that further protect a student's PII from unauthorized disclosure, especially as it pertains to third-party contractors.

In accordance with the requirements of Education Law § 2-d, NYSED adopted a Bill of Rights for Data Privacy and Security that authorizes NYSED's Chief Privacy Officer to address parent complaints about possible breaches and unauthorized disclosure or release of student PII. The Commissioner's regulations define student data as "personally identifiable information from the student records of an educational agency." Section 121.1(a) of the Commissioner's regulations defines a breach as the "unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data." Section 121.1(t) further defines an unauthorized disclosure or release as "any disclosure or release not permitted by federal or State statute or regulation, any lawful contract or written agreement, or [a disclosure] that does not respond to a lawful order of a court or tribunal or other lawful order."

Analysis

Both FERPA and Education Law § 2-d prohibit the unauthorized disclosure of student PII from education records. Education records are defined in FERPA as records that are directly related to a student and maintained by the educational agency or by a party acting for the educational agency.³ School officials may only have access to education records without consent under 34 CFR 99.31(a)(1) if the educational agency has determined that they have legitimate educational interests in the information and the agency or institution has complied with the notice requirements in 34 CFR 99.7(a)(3)(iii). An educational agency or institution is not required to record access by school officials but must ensure that they have legitimate educational interests when they access records.

As indicated above, the software in question does not monitor when a student's education records are accessed, nor does it monitor which authorized user accesses such records. This precludes me from determining whether the student's grades were

¹ 20 USC § 1232g; 34 CFR Pt. 99

² Education Law § 2-d & 8 NYCRR Pt. 121

³ 34 CFR 99.3

shared with any employees who lacked an educational interest in such records. Thus, without more, I cannot find an unauthorized disclosure or release of student data occurred in violation of FERPA or Education Law § 2-d.

Although there is insufficient evidence for me to find a violation in this instance, the district should take additional steps to ensure that the situation described by Complainant cannot occur. Educational agencies must use reasonable methods to ensure that school officials have access to only the education records in which they have a legitimate educational interest (34 CFR 99.31 [a]). As explained in *Letter to VanCoske* (108 LRP 20763 [Family Policy Compliance Office, Nov. 7, 2007]), FERPA does not obligate districts to maintain a log to document access by school officials to education records; however, such a log might be required if other measures are not in place to ensure that the officials have a legitimate educational interest in viewing those records. Thus, if the student management system cannot maintain a log or restrict access to student records such that only appropriate officials have access, the district should consider utilizing different software. Additionally, the district's annual privacy training should emphasize that it is inappropriate for district employees to share observations and personal knowledge about students.

Date: September 23, 2025



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