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Personal school data not always private - Privacy procedures vary widely among districts under federal statute

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Author/Byline: SCOTT WALDMAN Staff Writer **Edition:** 1 **Section:** Capital Region **Page:** B1

GUILDERLAND - Last year, the Guilderland Teachers Association got the address of every local family and sent those with school-age children postcards promoting the union's picks in the May school board election.

But trying to get that kind of personal information from other school districts won't work.

The issue shines a light on how school districts interpret a federal law that permits the disclosure of "directory" information - including student and parent names, addresses and phone numbers - without consent. The law leaves it up to individual districts to define what is considered directory information. The statute also stipulates that schools must tell residents they have the right to withhold the information.

Guilderland's policy recently pitted some Board of Education members against the administration.

"We tell kids that on the Internet you have to be careful not to give out any information," school board member Peter Golden said. "How can we release this information in this day of sexual predators and rampant identity theft?"

Golden and Hy Dubowsky aired their concerns at meetings of the nine-member board.

Schenectady, Troy and Shenendehowa all say they would not release parent addresses to the public. The Albany district could release student information in a circumstance similar to that in Guilderland, spokesman Ron Lesko said.

It is unclear how many parents are even aware that their addresses can be given out by school officials or that under the federal Family Educational Rights and Privacy Act they can just say no.

An opt-out clause in the 1974 legislation lets parents and students prevent districts from distributing their personal data. It came into play when military recruiters contacted students. Parents who opposed the Iraq war joined with the American Civil Liberties Union to alert families about their privacy rights.

Guilderland prohibits the public release of its student directories, which include photos, grades and addresses, Superintendent John McGuire said, but that ban does not extend to the information about their parents.

McGuire, who succeed Gregory Aidala in November, said the district's lawyers found no fault by the administration in giving information to the teachers union.

"We have done nothing wrong, certainly not broken any laws," he said.

It is up to individual districts to determine if they will release parent information to the public, said Jim Bradshaw, spokesman for Family Compliance Office in the U.S. Department of Education. How residents are notified is also up to each school system.

But it's unusual for school districts to give out parent addresses, said Robert J. Freeman, executive director of the state Committee on Open Government. He said there is "rampant ignorance" on the part of both parents and educators about privacy rights under that federal privacy act.

Freeman said districts often don't adequately let parents know that their personal information is open to the public - and that they can opt out.

Guilderland has a privacy right notice on its Web site and publishes it in the student handbook and calendar distributed at the start of the school year.

Several districts routinely mail to parents the directories that include their children's names and addresses.

Guilderland Parent Teachers Association President Chris Claus said he filed a Freedom of Information Law request for the home addresses after attending a New York State United Teachers conference at which members were urged contact voters. Claus said it was a natural choice to send postcards promoting their candidates to the parents who were likely voters.

The two union-backed candidates won a hotly contested election.

"I like to think teachers speaking to parents is effective," Claus said.

Carl Korn, a NYSUT spokesman, said he leads workshops advising members to reach residents through sports booster clubs, parent teacher associations, real estate agents and voter registration lists. He said he does not tell them to FOIL

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Golden just wants the district to change its policy to safeguard students.

"Everybody should be checking with their school to make sure this information isn't being given out," Golden said.

Next month, McGuire said, he will ask the school board to review the policy at a committee meeting.

Scott Waldman can be reached at 454-5080 or by e-mail at swaldman@timesunion.com.

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