

Family Educational Rights and Privacy Notice

Gateway – Longview, Inc. is committed to protecting the privacy of students who attend Gateway – Longview, Inc.’s Therapeutic Preschools and Lynde Day School Treatment Program, which serves both day and residential treatment students. As a result, through this Family Educational Rights and Privacy Notice (the “Notice”), Gateway – Longview, Inc. is informing parents and students of their rights under the Family Educational Rights and Privacy Act.

For purposes of this Notice, parents or parent are defined as a parent of a student at Gateway – Longview, Inc.’s Therapeutic Preschool and/or Lynde Day School. A parent includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Also for purposes of this Notice, eligible students or eligible student are defined as a student who has reached 18 years of age or is attending an institution of postsecondary education.

Rights of Parents and Eligible Students:

Inspection and Review of Student’s Education Records: Parents and eligible students have the right to inspect and review a student’s education records, unless not permitted or limited by law, within 45 days of Gateway – Longview, Inc.’s receipt of a request to inspect and review the education records. However, Gateway – Longview, Inc. may charge a fee for a copy of an education record, which is made for a parent or eligible student, but Gateway – Longview, Inc. will not charge a fee to search for or to retrieve the education records of a student.

Amendment of Student’s Education Records and Hearing: Parents and eligible students also have the right to seek an amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights. Any requests for an amendment to a student’s education records must be sent in writing to: **Vice President of Education Services, 6350 Main St. Williamsville, NY 14221.** The request must specify what information from the student’s education records you would like amended and the reason why you are requesting the amendment.

Upon receipt of the amendment request, Gateway – Longview, Inc. will decide whether to amend the record requested within a reasonable time after receipt of the request. If Gateway – Longview, Inc. decides not to amend the record as requested, Gateway – Longview, Inc. will inform the parent or eligible student of its decision in writing and advise the parent or eligible student of his or her right to a hearing regarding the amendment request, which Gateway – Longview, Inc. denied. Such hearing, if requested by the parent or the eligible student, will be held within a reasonable time after Gateway – Longview, Inc. receives the request for the

hearing. Gateway – Longview, Inc. will provide written notice of the date, time, and place of the hearing to the parent or eligible student in a reasonable amount of time before the date of the hearing.

At the hearing the parent or eligible student will be given a full and fair opportunity to present evidence relevant to the amendment of education records request. Also the parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney.

If, as a result, of the hearing, Gateway – Longview, Inc. decides that the information within the student’s education records is indeed inaccurate, misleading, or otherwise in violation of the privacy rights of the student, Gateway – Longview, Inc. will amend the record accordingly and will inform the parent or eligible student in writing about the amendment.

However, if Gateway – Longview, Inc. decides after the hearing that the information within the student’s education records is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, Gateway – Longview, Inc. will inform the parent or the eligible student in writing of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of Gateway – Longview, Inc.

If Gateway – Longview places a statement in the education records of a student, Gateway – Longview, Inc. will maintain the statement with the contested part of the record for as long as the record is maintained. In addition, Gateway – Longview, Inc. will disclose the statement whenever it discloses the portion of the record to which the statement relates.

Consent to Disclosure of Personally Identifiable Information: A parent or eligible student has the right to consent to the disclosure by Gateway – Longview, Inc. of personally identifiable information (“PII”); provided that the parent or eligible student does the following:

- a) Provide the consent in writing;
- b) Specify the records that may be disclosed;
- c) State the purpose of the disclosure;
- d) Identify the party or class of parties to whom the disclosure may be made; and
- e) Sign and date the request.

PII includes, but is not limited to, the following:

- The student’s name;
- The name of the student’s parent or other family members;
- The address of the student or the student’s family;

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- A personal identifier, such as the student's social security number or student number; or
- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.

Notwithstanding the above, Gateway – Longview, Inc. may disclose PII from an education record of a student without a written consent from either the parent or the eligible student if the disclosure meets one or more of the following conditions:

- i. The disclosure is to other school officials within Gateway – Longview, Inc. whom Gateway – Longview, Inc. has determine have legitimate education interests in the PII. A school official is (i) an individual who Gateway – Longview, Inc. has employed as a supervisor, teacher, nurse, director, administrator or support staff member or (ii) an individual or corporation, which Gateway – Longview, Inc. has contracted to perform services on behalf of Gateway – Longview, Inc. (i.e. therapist, attorney, auditor, etc.) A school official has legitimate education interests if the official needs such PII in order to fulfill his or her professional duties;
- ii. The disclosure is to a contractor, consultant, volunteer, or other party to whom Gateway – Longview, Inc. has outsourced services or functions; provided that the contractor, consultant, volunteer, or other party performs a service or function that Gateway – Longview, Inc. would otherwise use employees, is under the direct control of Gateway – Longview, Inc. with respect to the use and maintenance of education records, and will not disclose the information to any other party without the prior consent of the parent or the eligible student;
- iii. The disclosure is 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 so long as the disclosure is for the purpose related to the student's enrollment or transfer;
- iv. The disclosure is to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of the U.S. Department of Education; or State and local educational authorities for the purpose of an audit or evaluation of Federal or State supported education programs, or the enforcement of or compliance with Federal legal requirements, which relate to those programs;
- v. The disclosure is to organizations conducting studies for, or on behalf of, Gateway – Longview, Inc. in order to develop, validate, or administer predictive tests or improve instruction;

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- vi. The disclosure is to accrediting organizations to carry out their accrediting functions;
- vii. The disclosure is to comply with a judicial order or lawfully issued subpoena and Gateway – Longview, Inc. has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance with the subpoena or judicial order, unless the disclosure is connected to a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose and the court or issuing agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed;
- viii. The disclosure is in connection with an emergency and disclosure of PII is necessary to protect the health or safety of the student or other individuals; or
- ix. The disclosure is any other disclosure, which is permitted by law.

File a Complaint: A parent or eligible student has the right to file with the Department of Education a written complaint concerning alleged failures by Gateway – Longview, Inc. to comply with the requirements of the Family Educational Rights and Privacy Act. A parent or eligible student may send his or her written complaint to the following address: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.