

 Meadows Arts and Technology Elementary School	<b>Public Records Access Policy</b>	
	<b>Last Reviewed/Revised:</b> 01/19/2016	<b>Effective Date:</b> 01/19/2016
<b>Reference Number:</b> BB-PRA-01192016	<b>Original Author:</b> MATES Board	<b>Policy Status:</b> ACTIVE

**PURPOSE:**

The Board of Directors (“Board”) recognizes the right of citizens to have access to public records of the Meadows Arts and Technology Elementary School (“MATES”). Additionally, various legal statutes protect the rights of individuals from disclosure of their student records and/or other private information except under specific circumstances. This policy is intended to provide guidance for the Board and MATES personnel with respect to access to records.

**SCOPE:**

This policy applies to all Board members and MATES personnel.

**GENERAL POLICY STATEMENT:**

The Board and MATES personnel shall comply with all applicable provisions of the Family Education Rights Privacy Act (“FERPA”) as set forth in Title 20 of the United States Code Section 1232g and any related regulations as may be amended from time to time.

**POLICY DETAILS:**

1. MATES records shall be developed, maintained, and disposed of in accordance with FERPA guidelines. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."
  - 1.1. MATES will permit parents or eligible students to inspect and review the student's education records maintained by the school.
    - 1.1.1. The Executive Director will provide copies of records for parents or eligible students if, for reasons such as great distance, it is impossible for parents or eligible students to review the records. MATES may charge for copies in these occurrences. The charge shall be based on actual costs of duplication, as determined by the Executive Director or designee.
  - 1.2. Parents or eligible students have the right to request that MATES correct records which they believe to be inaccurate or misleading. If MATES decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if MATES still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
  - 1.3. MATES must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
    - 1.3.1. MATES officials with legitimate educational interest;

- 1.3.2. Other schools to which a student is transferring;
  - 1.3.3. Specified officials for audit or evaluation purposes;
  - 1.3.4. Appropriate parties in connection with financial aid to a student;
  - 1.3.5. Organizations conducting certain studies for or on behalf of MATES;
  - 1.3.6. Accrediting organizations;
  - 1.3.7. To comply with a judicial order or lawfully issued subpoena;
  - 1.3.8. Appropriate officials in cases of health and safety emergencies; and
  - 1.3.9. State and local authorities, within a juvenile justice system, pursuant to specific State law.
- 1.4. MATES may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.
- 1.4.1. MATES will provide a communication to parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.
- 1.5. MATES will notify parents and eligible students annually of their rights under FERPA.
- 1.5.1. The Executive Director, or designee, will define the means of notification (e.g. special letter, inclusion in a PTA bulletin, student handbook, or newspaper article).
2. The Board intends MATES personnel to provide any person reasonable access to the public records of the Board and MATES during normal business hours and within the requirements of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.
- 2.1. Public records are defined as information subject to disclosure under the California Public Records Act or relevant state or federal statute,
  - 2.2. MATES may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Executive Director or designee.
  - 2.3. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.
3. MATES records shall be developed, maintained, and disposed of in accordance with applicable law.
- 3.1. The Executive Director or designee shall establish regulations that define records which are permanent, optional, and disposable and specify how each type of record is to be maintained or destroyed..
  - 3.2. The Executive Director or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.
4. Unauthorized Release Of Confidential/Privileged Information - The Board recognizes the importance of keeping confidential information confidential.
- 4.1. Board Members and MATES Staff shall maintain the confidentiality of information acquired in the course of their employment and/or official duties.
  - 4.2. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

- 4.3. Confidential/privileged information shall be released only to the extent authorized by law.
- 4.4. Disclosure of Closed Session Information
  - 4.4.1. An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)
  - 4.4.2. Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)
  - 4.4.3. An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)
    - 4.4.3.1. The Executive Director or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.
- 4.5. An employee who willfully releases confidential/privileged information about MATES or its students or staff shall be subject to disciplinary action.
- 4.6. Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Executive Director or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

**NON-COMPLIANCE TO POLICY:**

Violations of this policy may result in the Board Member or employee being subject to disciplinary action in accordance with Board disciplinary policy and administrative regulations.

**GOVERNANCE:**

The Executive Director will own primary responsibility for monitoring adherence to the policy. The Board is responsible for reporting to the Executive Director (MATES personnel) or Board President (Board member) any identified breaches of this policy.

**REVIEW CYCLE:**

The MATES Board will be responsible for reviewing the policy every two years or more frequently as required.

**REVISION HISTORY:**

<u>Policy Version:</u>	<u>Effective Date:</u>	<u>Revision:</u>
BB-PRA-06292009	6/29/2009	Original Version
BB-PRA-03152010	3/15/2010	Modify Review Cycle section to modify cycle from bi-annual to every two years.
BB-PRA-04232012	4/23/2012	Updated in accordance with two year review.
BB-PRA-01132014	01/13/2014	Updated in accordance with two year review – No changes
BB-PRA-01192016	01/19/2016	Updated in accordance with two year review – No changes