

Family Educational Rights and Privacy Act Policy

I. Introduction

- A. The Charter High School for Law and Social Justice (the “School”) recognizes its legal responsibility to maintain the confidentiality of student records.
- B. The procedures for the confidentiality of student records shall be consistent with the Family Educational Rights and Privacy Act of 1974 (“FERPA”).

II. Definitions

- A. **School official:** A school official is a person the School employs as an administrator, supervisor, instructor or support staff member, a member of the School’s Board of Trustees (the “Board”), a person or company with whom the School has contracted to perform a special task, or a parent or student serving on an official committee, or assisting another School official performing his or her tasks.
- B. **Eligible student:** An eligible student is a student who is eighteen years old or older or a former student who is attending any school beyond the high school level. The rights FERPA creates transfer from the parents/guardians to the student once the student attains eligible student status.

III. Notice of Family Educational Rights and Privacy Act Rights

- A. The School will publish a notice that informs parents, guardians, and eligible students currently in attendance of their rights under FERPA and the procedures for exercising those rights.
 - 1. The School will publish the notice in a newspaper, handbook, or other School bulletin or publication.
 - 2. The School will provide the notice to parents, guardians, and eligible students who enroll during the school year.
- B. The notice must include a statement that the parent/guardian or eligible student has a right to:
 - 1. inspect and review the student’s educational records;
 - 2. request that the School amend the records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
 - 3. consent to disclosure of personally identifiable information contained in the student’s educational records, except to the extent that FERPA authorizes disclosure without consent; and
 - 4. file a complaint with the United States Department of Education alleging that the School failed to comply with FERPA and its regulations.
- C. The notice will inform parents/guardians and eligible students of the following:
 - 1. The School’s policy is to disclose personally identifiable information from student records, without consent, to other School officials whom the School has determined to have a legitimate educational interest. A School official has a legitimate educational interest if the official must review a student record in order to fulfill his or her professional responsibilities.

2. Upon request, the School will disclose educational records without consent to officials of another school district in which a student seeks or intends to enroll.
 3. The procedure for exercising the right to inspect, review, and request amendment of student records.
- D. The School shall arrange to provide a translation of this notice, when necessary, to parents, guardians, and eligible students in their native language or dominant mode of communication.

IV. Directory Information

- A. “Directory information” refers to particular designations of information. The School designates the following as directory information: a student’s name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, photograph, and e-mail address.
- B. Once the School publishes the notice described in Section II., a parent/guardian or eligible student will have fourteen days to notify the school of any objections they have to any of the “directory information” designations. If the School does not receive an objection, the School may release this information without prior approval of the parent/guardian or eligible student.
- C. The School may elect to include its designation of directory information in the annual notice of FERPA rights described in Section II.

V. Right to Inspect and Challenge Student Records

- A. Parents/guardians and eligible students may inspect and review any and all official records, files, and data directly related to that student, including all materials that are incorporated into each student’s cumulative record folder.
- B. Parents/guardians and eligible students may ask the School to correct any information that they believe is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and may ask for a hearing if the School refuses to do so.
- C. To implement the rights provided for in Section IV.A. and IV.B., the School adopts the following procedures:
1. A parent/guardian or an eligible student who wishes to inspect and review a record must send a written request to the School principal. Upon receipt of such a request, the principal will make arrangements to provide access to such records within forty-five days of the request. If the record to which access is sought contains information about more than one student, the parent/guardian or eligible student may inspect and review only the specific information about the student on whose behalf they seek access.
 2. A parent/guardian or an eligible student who wishes to challenge the content of a student’s School records that they believe to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student must submit a written request to the School principal together with a statement of the reasons for the challenge to the record.

3. Upon receipt of a written challenge, the principal shall provide a written response to the parent/guardian or eligible student within fourteen days of receipt of the written request. In the response, the principal must either find that the challenged record(s) is inaccurate, misleading, or otherwise in violation of the student's rights and correct or delete the record or that there is no basis for correcting or deleting the challenged record and that the parent/guardian or eligible student will have the opportunity for a hearing to challenge this decision. The response shall outline the procedures the parent/guardian or eligible student must follow with respect to a hearing if the parent/guardian or eligible student wishes a hearing.
4. Within fourteen days of receipt of the response from the principal, a parent/guardian or eligible student may request, in writing, that the School hold a hearing to review the principal's decision.
5. The School shall hold the hearing within ten days of receipt of the request for the hearing. The School Board president will hold the hearing unless the president has a direct interest in the outcome of the hearing, in which case the president will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
6. The parent/guardian or eligible student shall be given an opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
7. The Board president or other individual the president designates will make a decision in writing within fourteen days of the conclusion of the hearing.
8. After the hearing, if the Board president or the individual the president designated decides not to amend the record, the School will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why they disagree with the decision. The School will maintain any such statement with the contested part of the student record for as long as the School maintains the record. Further, the School will disclose the statement whenever it discloses the portion of the record to which the statement relates.

VI. FERPA Exemptions

- A. Except to the extent that FERPA authorizes disclosure of student records without consent, the School will not release any student records or any material contained therein that is personally identifiable without the prior written consent of the parent/guardian or eligible student.
- B. Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:
 1. to other School officials whom the School determines have legitimate educational interests;
 2. to officials of another school, school system or post-secondary institution where the student seeks or intends to enroll;
 3. to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education, or state and local education authorities in

- connection with an audit or evaluation of federal or state-supported education programs or in compliance with legal requirements related to those programs;
4. in connection with a student's application for or receipt of financial aid;
 5. to state and local officials or authorities in compliance with state law that concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are being released;
 6. to organizations conducting studies, or on behalf of, education agencies or educational institutions, in order to develop tests, administer student aid, or improve instruction;
 7. to accrediting organizations to carry out their accrediting functions;
 8. to parents of a dependent student, as defined by the Internal Revenue Code;
 9. to comply with a judicial order or lawfully issued subpoena;
 10. in connection with a health or safety emergency;
 11. to teachers and school officials in other schools who have legitimate educational interests in the behavior of the student when the information concerns disciplinary action the School took against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the School community;
 12. to provide information the School has designated as "directory information"; and
 13. to provide information from the School's law enforcement unit, records concerning disciplinary action taken against the student for conduct that poses a significant risk to the safety or well-being of that student, other students, or other members of the school community
 14. to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

VII. Disclosure of Records to Third Parties

- A. Whenever the School wishes to make a student record or any other material contained therein available to third persons, other than those records FERPA covers, the School must obtain prior written consent to such disclosure from the parent/guardian or eligible student. The written consent must specify the records the School will release, the reasons for the release, and to whom the School will release the records. If the parent/guardian or eligible student so requests, the School will provide them with a copy of the record(s) it disclosed. In addition, if the parents of a student who is not an eligible student so requests, the School will provide the student with a copy of the record(s) it disclosed.
- B. Unless exempted from FERPA, a person who requests access to exempt records must sign a written form that states his or her legitimate educational interest to inspect the records. The School will keep this form with the student's file and will maintain the form in the student's file as long as the School maintains the file.

VIII. School Record Retention

- A. The School will follow all applicable laws relating to the legal minimum retention periods for School records. In accordance with such laws, the School will dispose

of only those records that have met the minimum retention periods set forth in the Schedule.

Source: Family Education and Privacy Rights Act, 20 U.S.C. §1232g *et seq.*

Approved by the Board of Trustees: March 11, 2015