



## TLC ACADEMY STUDENT POLICIES

### FERPA, PARENTAL RIGHTS AND STUDENT PRIVACY POLICY

#### (REQUIRED BY LAW)

The **Board must adopt policy** addressing educational records of students under FERPA. This policy should address the following:

- access of faculty and staff who have a need for the educational records
- access of third parties
- access of parents and students
- transferring records to other educational institutions
- document retention and document destruction
- defining “education record”
- designating “directory information”
- notice requirements and opt-out provisions permitted by law for parents and students

20 U.S.C. 1232g(b); 34 CFR § 99.31.

The Board should also adopt policy addressing parental rights of access and student privacy concerning surveys, instructional materials and instruments collecting personal information, in accordance with 20 U.S.C. § 1232(h): “**a local educational agency shall develop and adopt policies, in consultation with the parents**, regarding” access to surveys, arrangements to protect student privacy, inspection of instructional material, administration of physical exams or screenings of students, collection or use of student personal information for marketing or for selling, inspection of instruments collecting student personal information, and others issues as described in 20 U.S.C. § 1232(h).

#### Notice of FERPA Rights

The Chief Executive Officer shall see that TLC Academy (TLCA) provides parents of students in attendance and eligible students in attendance **annual notification** of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 CFR § 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 CFR §§ 99.63 and 99.64 concerning alleged failures by TLCA to comply with the requirements of the Act and 34 CFR part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 CFR § 99.20.
3. If TLCA has a policy of disclosing education records under 34 CFR § 99.31(a)(1), a specification of criteria for determining who constitutes a TLCA official, and what constitutes a legitimate educational interest.

TLCA may provide this notice by any means that is reasonably likely to inform the parents or eligible students of their rights. TLCA shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. § 1232g(e); 34 CFR § 99.7.

### **Definition of Education Records**

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

1. Records that are created or received by TLCA after an individual is no longer a student in attendance, and that are not directly related to the individual's attendance as a student.
2. Records made by TLCA personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of TLCA that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
  - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b. Made, maintained, or used only in connection with treatment of the student; and
  - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 CFR 99.30.

State and federal law safeguard educational records from unauthorized inspection or use. All information relating to student performance, including grades, test results, and disciplinary records are considered confidential educational records. Release of those records are restricted to parents or guardian; school staff members with a legitimate educational interest; various governmental agencies or in response to a subpoena or court order; or a School to which the student transfers or subsequently enrolls. Release to any other person or agency will occur only with prior written consent of the parent or guardian.

### **Family Educational Rights And Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and eligible students certain rights with respect to the student's educational records. For purposes

of student records, an “eligible” student is one who is eighteen or older OR who is attending an institution of postsecondary education. These rights include the following:

**1. The right to inspect and review the student’s educational records.**

Parents and/or eligible students have the right to inspect and review the student’s educational records upon written request to the principal. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student’s educational records, TLCA shall provide the parent or eligible student with a copy of the records requested, or make arrangements for the parent or eligible student to inspect and review the requested records.

TLCA shall not destroy any educational records if there is an outstanding request to inspect and review the records. TLCA may charge a fee for a copy of an education record that is made for the parent or eligible student, unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student’s education records. TLCA will not charge a fee to search for or to retrieve the educational records of a student.

If the educational records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

**2. The right to seek amendments of the students education records that the student or parent believes are inaccurate or misleading.**

Parents or eligible students may ask TLCA to amend a record that they believe is inaccurate or misleading. They should write TLCA principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. TLCA will decide whether to amend the record as requested within a reasonable time after TLCA receives the request. If TLCA decides not to amend the record as requested by the parent or eligible student, TLCA will notify the parent or eligible student of the decision and advise them of their right to a hearing to challenge TLCA’s decision.

**3. The right to consent to disclosures of personally identifiable information, except to the extent that FERPA authorizes disclosure without consent.**

“Personally identifiable information” includes, but is not limited to:

- a. The student’s name;
- b. The name of the student’s parent or other family members;
- c. The address of the student or student’s family;

- d. A personal identifier, such as the student's biometric record, as defined by 34 CFR 99.3; social security number; or student number;
- e. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- f. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in TLCA community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- g. Information requested by a person who TLCA reasonably believes knows the identity of the student to whom the education record relates.

34 CFR § 99.3.

Parents and/or eligible students have the right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to TLCA officials with legitimate educational interests. A TLCA official is a person employed by TLCA as an administrator, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on TLCA's Board; a person or company with whom TLCA has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another TLCA official in performing his or her tasks. A TLCA official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility. Upon request, TLCA will disclose educational records without consent to officials of another School in which a student seeks or intends to enroll.

**4. The right to file a complaint with the U. S. Department of Education concerning alleged failures by TLCA to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is as follows:

Family Policy Compliance Office  
U. S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

**Directory Information**

Certain information about students is considered "directory information" and will be released to anyone who follows procedures for requesting it unless the parent or eligible

student objects to its release prior to the beginning of school year. For purposes of this policy, Directory Information shall include: student's name, address, telephone number, date and place of birth, participation in school activities and sports, rewards received, school work (no grades), dates of attendance, previous school attended, grade level, weight and height of members of athletic teams, and students picture/photographic image.

### **Release to Military Recruiters And Institutes of Higher Education**

TLCA will comply with a request by a military recruiter or an institution of higher education for students' names, addresses, and telephone listings, unless a parent or eligible student has advised TLCA not to release their child's information without prior written consent.

### **Parental Opt-Out**

A parent shall be permitted to object to the release of one or more categories of directory information regarding his or her child. A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent TLCA from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled

TLCA may disclose directory information about former students without satisfying the public notice conditions above. However, TLCA must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

### **Document Retention**

Student records shall be maintained for each student from enrollment in TLCA until withdrawal or graduation from TLCA. These records shall move with the respective student from campus to campus. Records for non-enrolled and/or withdrawn students and graduates shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Chief Executive Officer.

### **Instructional Resources And Parental Rights And Student Privacy**

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U. S. Department of Education shall be available for inspection by the parents or guardians of students. 20 U.S.C. 1232h(a).

No student shall be required, as part of any program funded in whole or in part by the U. S. Department of Education, to submit to a survey, analysis, or evaluation that

reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. Topics covered by this include:

- Political affiliations or beliefs of the student or the student's parents.
- Mental and psychological problems of the student or the student's family.
- Sex behavior and attitudes.
- Illegal, anti-social, self-incriminating, and demeaning behavior.
- Critical appraisals of other individuals with whom respondents have close family relationships.
- Legally-recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
- Religious practices, affiliations, or beliefs of the student or student's parent.
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

20 U.S.C. 1232h(b).

### **Parental Rights And Student Privacy Local Policy**

As a condition of receiving funds under any applicable program, TLCA adopts the following policies, pursuant to 20 U.S.C. 1232h(c)(1):

- The parents have a right to inspect any survey created by a third party before the survey is administered or distributed by TLCA to the student. Parents should submit such a request to the campus principal, and shall be provided an opportunity to inspect the survey within a reasonable period of time as determined by the campus principal. Upon a parent's request to inspect a survey, the parent's child shall not participate in the survey until the parent has had a reasonable opportunity to inspect the survey, as determined by the campus principal.
- In the event a survey contains the items listed above, and is administered or distributed to students, TLCA shall comply with FERPA and other applicable law to protect student privacy.
- The parents have a right to inspect any instructional material used in the educational curriculum for the student. Parents should submit such a request to the campus principal. The campus principal shall provide reasonable access to parents within a reasonable period of time, as determined by the principal.

- TLCA may administer physical examinations or other screenings to students as required and/or authorized by state or federal law and in accordance with other applicable policy.
- TLCA shall not collect, disclose, or use a student's personal information for the purpose of marketing or selling that information to third parties. This policy does not apply to or restrict the use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services offered by TLCA, for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs, or as otherwise required by law. This policy is also subject to state and federal public information laws and FERPA, that makes some student personal information, defined above as Directory Information, public.
- The parents have a right to inspect any instrument used in collection of personal information, described above, before the instrument is administered to the student. Parents should submit such a request to the campus principal. The campus principal shall provide reasonable access to parents within a reasonable period of time, as determined by the principal. Upon a parent's request to inspect such an instrument, the parent's child shall not participate until the parent has had a reasonable opportunity to inspect the instrument, as determined by the campus principal.

### **Opt-Out Notice**

The Chief Executive Officer shall ensure that parents are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the parents of the students enrolled in TLCA. At a minimum, TLCA shall:

- Provide notice at least annually, at the beginning of TLCA year and within a reasonable time after any substantive change in the policies; and
- Offer an opportunity for the parent to opt the student out of participation in an activity described above.

### **Notice of Scheduled Activities**

The Chief Executive Officer shall ensure that TLCA directly notifies parents of students, at least annually at the beginning of TLCA year, of the specific or approximate dates during TLCA year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

- Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
- The administration of any survey containing one or more items described above.
- Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by TLCA in advance, and not necessary to protect the immediate health and safety of the student or of other students.

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