

ARTS ACADEMY ELEMENTARY CHARTER SCHOOL

Board Policy

CATEGORY: Students

POLICY NUMBER: 314

TITLE: F.E.R.P.A

ADOPTED: August 16, 2018

REVISED: September 27, 2018

	<p style="text-align: center;">A. <u>COMPREHENSIVE SYSTEM</u></p> <p>The Chief Executive Officer or designee shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials. This policy shall be interpreted in a manner which is consistent with Federal Law.</p> <p style="text-align: center;">B. <u>CUMULATIVE RECORD</u></p> <p>A cumulative record shall be maintained for each student from entrance into AAECs until withdrawal or graduation from the school.</p> <p>Records for nonenrolled students, including 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.</p> <p style="text-align: center;">C. <u>CUSTODIAN OF RECORDS</u></p>
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	<p>The Chief Executive Officer is the custodian of all records for currently enrolled students, and for students who have withdrawn or graduated.</p> <p>D. <u>TYPES OF EDUCATION RECORDS</u></p> <p>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 the school or by a person acting for AAECs, including:</p> <ol style="list-style-type: none">1. Admissions data, personal and family data, including certification of date of birth.2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.4. All documentation regarding a student’s testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.5. Health services record, including:<ol style="list-style-type: none">a. The results of any tuberculin tests required by the school.b. The findings of screening or health appraisal programs conducted or provided by the school.c. Immunization records.6. Attendance records.7. Student questionnaires.8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.9. Verified reports of serious or recurrent behavior patterns.10. Copies of correspondence with parents and others concerned with the student.11. Records transferred from other districts in which the student was enrolled.
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	<ol style="list-style-type: none">12. Records pertaining to participation in extracurricular activities.13. Information relating to student participation in special programs.14. Records of fees assessed and paid.15. Records pertaining to student and parent complaints.16. Other records that may contribute to an understanding of the student. <p>The term “education records” does not include:</p> <ol style="list-style-type: none">1. Records that are created or received by the school 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 school 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 the school 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:<ol style="list-style-type: none">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; andc. 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.
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	<p>5. Grades on peer-graded papers before they are collected and recorded by a teacher.</p> <p>E. <u>ACCESS BY PARENTS AND ELIGIBLE STUDENTS</u></p> <p>AAECS shall make a student's records available to the student's parent(s) and the eligible student, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requestor's identity before disclosing student records containing personally identifiable information.</p> <p>Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Chief Executive Officer's, principal's, or counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.</p> <p>If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's educational records, the school shall provide the parent or eligible student with a copy of the records requested.</p> <p>The school may not destroy any educational records if there is an outstanding request to inspect and review the records. The school 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. The school will not charge a fee to retrieve the educational records of a student.</p>
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	<p>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.</p> <p>A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education.</p> <p style="text-align: center;">F. <u>ACCESS BY SCHOOL OFFICIALS</u></p> <p>A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.</p> <p>For the purposes of this policy, "school officials" shall include:</p> <ol style="list-style-type: none">1. An employee, director, trustee, or agent of AAECs, including an attorney, a consultant, a contractor, a volunteer, and any outside service provider used by the school to perform institutional services.2. An employee of a cooperative of which AAECs is a member or of a facility with which the school contracts for placement of students with disabilities.3. A contractor retained by a cooperative of which AAECs is a member or by a facility with which the school contracts for placement of students with disabilities.4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. <p>All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.</p> <p>A school official has a "legitimate educational interest" in a student's records when he or she is:</p>
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	<ol style="list-style-type: none">1. Working with the student;2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;3. Compiling statistical data;4. Reviewing an education record to fulfill the official's professional responsibility; or5. Investigating or evaluating programs. <p>G. <u>TRANSCRIPTS AND TRANSFERS OF RECORDS</u></p> <p>The school may request transcripts from previously attended schools for students transferring into AAECs; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 years of age or older.</p> <p>For purposes of a student's enrollment or transfer, the school shall promptly forward in accordance with the time line provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. The school may return an education record to the school identified as the source of the record.</p> <p>When a child with a disability transfers to another public school, public agency, private school, approved private school or private agency from this school, within ten days of receipt of written notice of the transfer, the Arts Academy shall forward the child's educational records to the new school. The records shall include the most recent IEP.</p> <p>When a child with a disability transfers to the Arts Academy from another public school, public agency, private school, approved private school or private agency, to the Arts Academy, the transferring school or agency shall forward all of the child's educational records, including the most recent IEP, within 10 days of receipt of written notice of the transfer.</p>
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	<p style="text-align: center;"><u>H. RECORDS RESPONSIBILITY FOR STUDENTS IN SPECIAL EDUCATION</u></p> <p>The Chief Executive Officer shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.</p> <p>A current listing of names and positions of persons who have access to records of students in special education is maintained at the AA ECS Administrative Office.</p> <p style="text-align: center;"><u>I. PROCEDURE TO AMEND RECORDS</u></p> <p>Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the Chief Executive Officer, clearly identify the part of the record sought to be changed, and specify why the record is inaccurate or misleading. The school will decide whether to amend the record as requested within a reasonable time after receipt of the request. If the school decides not to amend the record as requested by the parent or eligible student, the Chief Executive Officer or designee will notify the parent or eligible student of the decision and advise them of their right to a hearing to challenge the decision.</p> <p style="text-align: center;"><u>J. CONSENT TO DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION</u></p> <p>A parent or eligible student has the right to consent to disclosures of personally identifiable information, except to the extent that the Family Educational Rights and Privacy Act (“FERPA”) authorizes disclosure without consent.</p> <p>“Personally identifiable information” includes, but is not limited to:</p>
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	<ol style="list-style-type: none">1. The student's name;2. The name of the student's parent or other family members;3. The address of the student or student's family;4. A personal identifier, such as the student's biometric record, as defined by 34 CFR 99.3, social security number, or student number;5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the AAECs community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or7. Information requested by a person who the school reasonably believes knows the identity of the student to whom the education record relates. <p>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. Upon request, the school will disclose educational records without consent to officials of another school in which a student seeks or intends to enroll.</p> <p style="text-align: center;"><u>K. NOTICE OF FERPA RIGHTS</u></p> <p>The Chief Executive Officer or designee shall see that AAECs provides parents and eligible students annual notification of their rights under FERPA.</p> <p>The notice must inform parents or eligible students that they have the right to:</p> <ol style="list-style-type: none">1. Inspect and review the student's education record;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;
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	<ol style="list-style-type: none">3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA and 34 CFR 99.31 authorize disclosure without consent; and4. File with the United States Department of Education a complaint under 34 CFR 99.63 and 99.64 concerning alleged failures by AAECs to comply with the requirements of the Act and 34 CFR Part 99. <p>The notice must include all of the following:</p> <ol style="list-style-type: none">1. The procedures for exercising the right to inspect and review education records;2. The procedure for requesting amendment of records under 34 CFR 99.20; and3. A specification of criteria for determining who constitutes a school official, and what constitutes a legitimate educational interest. <p>The Chief Executive Officer or designee may provide this notice by any means that is reasonably likely to inform the parents or eligible students of their rights. The notice shall also be effectively communicated to parents of students who are disabled and parents of students who have a primary or home language other than English.</p> <p>L. <u>DIRECTORY INFORMATION</u></p> <p>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 in writing to its release within ten calendar days of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out the release of directory information at any time during the school year. At any time after restricting the release of directory information, a parent or eligible student may in writing authorize the school to release directory information.</p>
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	<p>AAECS has designated the following categories of information as directory information for the purpose of disclosure relating to school-sponsored/school-affiliated purposes:</p> <ol style="list-style-type: none">1. Student name;2. Address;3. Telephone listing;4. Electronic mail address;5. Photographs (including video image);6. Date and place of birth;7. Honors, and awards received;8. Dates of attendance;9. Grade level;10. Most recent educational institution attended;11. Participation in officially recognized activities and sports <p>School-sponsored/school-affiliated purposes are those events or activities that AAECS conducts and/or sponsors to support the educational mission of the school. Examples include, but are not limited to:</p> <ol style="list-style-type: none">1. Extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremony);2. Publications (e.g., newsletters, yearbook, etc.);3. Honor roll and other student recognition lists;4. Marketing materials of AAECS (e.g., print media, website, videos, newspaper, etc.). <p>The school has designated the following categories of information as directory information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:</p> <ol style="list-style-type: none">1. Student's name;2. Address; and3. Telephone listing.
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	<p>The school shall not release directory information except for the purposes indicated above, namely:</p> <ol style="list-style-type: none">1. Disclosure relating to school-sponsored/school-affiliated purposes; and2. Disclosure to military recruiters and institutions of higher education, but only for secondary students. <p><u>M. RELEASE TO MILITARY RECRUITERS AND INSTITUTES OF HIGHER EDUCATION</u></p> <p>AAECS 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 the school not to release the student's information without prior written consent.</p> <p><u>N. INSTRUCTIONAL RESOURCES AND SURVEYS</u></p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none">1. Political affiliations or beliefs of the student or the student's parent(s);2. Mental or psychological problems of the student or the student's family;3. Sex behavior or attitudes;
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	<ol style="list-style-type: none">4. Illegal, anti-social, self-incriminating, or demeaning behavior;5. Critical appraisals of other individuals with whom respondents have close family relationships;6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;7. Religious practices, affiliations, or beliefs of the student or student's parent; or8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program). <p>O. <u>OPT-OUT NOTICE</u></p> <p>The Chief Executive Officer shall ensure that parents are provided reasonable notice of the contents of this policy. Such notice shall be provided directly to the parents of the students in attendance at AA ECS. At a minimum, the Chief Executive Officer shall:</p> <ol style="list-style-type: none">1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in policy; and2. Offer an opportunity for the parent to opt the student out of participation in an activity described above.
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