

## **Student Policy #216 Student Records**

### **Purpose:**

School's collect and maintain many and various student records and as custodians of collected records are responsible to ensure that access to such personally identifiable student records is safeguarded under the protections of confidentiality guaranteed by the Family Educational Rights and Privacy Act of 1974 ("FERPA") and all associated regulations. FERPA is a federal law designed to ensure parents and students access to education records and to limit disclosure to others for unauthorized purposes. This policy makes adherence to these regulations a responsibility of the SusQ-Cyber Charter School ("Charter School").

**Authority:** The Charter School Board of Trustees is governed by the Disabilities Education Act ("IDEA"), and "FERPA" which requires the confidentiality of personally identifiable information for children with disabilities. The Charter School must fully inform parents about the requirements of this policy in the native language of the parent including: a description of the children about whom information is maintained, types of information recorded, how the information will be gathered (including sources), how the information will be used, how it will be stored, retained, disclosed to third parties and destroyed. The rights of parents and children regarding this information including rights guaranteed under FERPA must be published or announced in newspapers or other media, or both with circulation adequate to notify parents throughout the charter school area of the activity prior to any major identification, screening, location, or evaluation activity is conducted.

**Guidelines:** Student Records are very broadly defined at 34 CFR §99.3 to include, with enumerated exceptions, records directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. The Charter School maintains records on all students, which include:

- Directory information,
- Medical history and immunization records
- Academic records
  - Grade transcripts
  - Course information and progress reports
  - Letters regarding academic progress
  - Standardized test results including IQ tests, achievement tests and PSSA tests results
  - Placement records
- Attendance records
- Discipline records
- Court orders and custody memoranda
- Records related to special education services including: requests to evaluate, psychological evaluations, CER's, IEP's, reevaluations, records of meetings and hearings, and NOREP's

### **Record Use:**

- Directory information is used to identify students and to provide identifying information as to name, address, telephone number, date and place of birth, sex, major field of study, activities, dates of attendance, degrees and awards and past schooling.
- Medical records are maintained by the school nurse and are used to ensure that students are properly immunized, maintain height, weight, vision and hearing screenings as part of the student's health records which may help detect health problems as they develop, and to provide awareness of medical conditions.
- Academic records are maintained to track the student's educational progress and to prepare the records for graduation and post graduation transcripts.
- Attendance records are maintained to permit the Charter School to prepare state reports for attendance and district tuition reimbursement.
- Discipline records are maintained as a record of discipline incidence that also are used to prepare state reports regarding incidence of violence, smoking, drug use as non-personally identifiable data. They also are used for background supporting information for future discipline hearings, which may be held if required by future discipline problems.
- Court orders and custody memoranda are maintained to direct the Charter School regarding parent of record and custody issues.
- Special Education Records are maintained and used to record that all proper procedural safeguards have been employed in the assessment and placement of students and include assessments and evaluations relative to the student.

### **Storage:**

Educational Record Storage is to be maintained as follows:

- Directory Information – not generally considered harmful or an invasion of privacy if released. Will be available as part of public record – stored in general files.
- Locked nurse's file – Medical records
- Locked student file – Academic records, grade transcripts, course information and progress reports, letters regarding academic progress, standardized test results including IQ tests achievement tests and PSSA test results, academic placement records, attendance records, discipline records, court orders and custody memoranda.
- Locked Special Education Files – Records related to special education services including requests to evaluate, psychological evaluations, CER's, IEP's reevaluations, records of meetings and hearings, and NOREP's.

### **Disclosure:**

- Disclosure to Third Parties – A parent or eligible student must provide signed and dated written consent before the cyber school may disclose personally identifiable information from the students educational records.
- Exceptions to the prior consent rule are set forth at 34 CFR §99.31 and should be consulted each time a disclosure question arises.
- Directory information will be exchanged between districts and may be released as requested by military recruiters, the media, etc.
- Parents and students will be informed that release of directory information is possible.

**Access:**

- Access to records – Access to identifiable, confidential, educational records will be restricted to the staff who need access to such records in order to perform education services for the student.
- Parents or eligible students may review these logs.

**Parent:**

- The Charter School shall permit parents to access inspect and review any education records relating to their child that is collected, maintained, or used by the Charter School under 34 CFR part 300.
- The Charter School will comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to §§ 300.507 and 300.521-300.528, and in no case more than 45 days after the request has been made.

**Correction of Records:**

- A parent or eligible student may request that records they believe to be incorrect or inaccurate be amended.
- The Charter School shall decide if the record should be amended and will inform the parent.
- The parent may request a hearing if the Charter School decides the amendment is not warranted.
- If the hearing determines the record should be amended the record will be amended.
- If the hearing determines the record should not be amended the parent shall have the right to attach a statement that will be maintained along with the record and disclosed with the record.

**Delegation of Responsibility:**

The CEO is charged with the responsibility to ensure that the many records gathered by the Charter School are appropriately stored and maintained, that the annual public notice is properly advertised, and to establish methods to survey the public of this record policy.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENT.