



National Collegiate Preparatory (PCHS)

Policy: Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act ("FERPA"), is a federal statute that describes inspection and review of student records, including: specific information made available to students age 18 or older ("eligible students") and parents; procedures for students and parents with regard to access to records, hearings, and written explanations.

1. The objectives of our school's access to records policy are threefold:
 - a. To protect student privacy.
 - b. To ensure that parents and students have access to appropriate records.
 - c. To provide appropriate student records to parties who have legitimate need.

1. Definitions of "Student" and "Education Records" Under FERPA

Student: any person with respect to whom a school maintains educational records or personally identifiable information.

Education records: "Those records, files, documents, and other materials which contain (i) contain information directly to a student; and (ii) are maintained by an educational institution or by a person acting for such agency or institution." "Education records" does not refer to private records that are kept in an administrator's or a teacher's personal file that are for his or her personal use; thus, these are not subject to review by students, parents, or guardians. **"Education records" also does not refer to medical and mental health records related to a student who is eighteen years or older.**

2. Rights of Parents and Students to Review School Records

Parents, guardians, or eligible students have the right to inspect and review their children's education records. The term "parent" or "guardian" include both parents, even when the parents are divorced, as courts have found that noncustodial parents have not abandoned interest in their children. Parents are allowed inspection "unless such access is barred by state law, court order, or legally binding instrument" relating to such matters as divorce, separation, or custody that specifically revokes those rights.

Parties requesting a copy of a part or all of a student's records must provide a signed dated request and allow two weeks for the school to comply. The consent must: (1) specify the records, (2) indicate the purpose of the disclosure, and, (3) identify the people to whom the disclosure may be made.

The school official will then arrange access and notify the parent or student of the time and place where the records can be inspected.

Parents or guardians also have the right to seek to have records amended and the right to have some control over the disclosure of personally identifiable information from the education records. If parents or guardians want the school to amend records they believe are inaccurate or misleading, they must: (1) write to Chief Academic Officer, (2) identify the part of the record they want changed, and (3) specify why the record is inaccurate or misleading. This request will be reviewed and may or may not be granted.

If the school does not comply with the amendment, the school must notify the parent and advise the parent of his or her right to a hearing. A hearing must be conducted within a reasonable time after the request and must be presided over by a disinterested official; the hearing must give students and parents, who may be represented by counsel at their own expense a fair opportunity to present evidence. Even if the records

are not amended, parents and students have the right to place a statement in the records commenting on the contested information.

Students may not challenge their grades, except on the basis of alleged administrative errors.

When a student turns eighteen years old, enters a postsecondary institution at any age or is otherwise emancipated, the parents' rights transfer to the student.

3. Access to Records by School Personnel

Student records can be and are available to school personnel, including administrators, counselors, instructors, clerical staff whose responsibility is to maintain records and others who have "legitimate educational interests." This definition also includes health or medical staff, DC Public Charter School Board members, a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), a parent or student serving on an official committee, or another school official assisted in performing his or her tasks.

School personnel may access student records (with the exception of medical and mental health records) for their own use, but they must not share those records or the information contained within them with anyone outside the school.

Schools can disclose records to other secondary institutions; for example, our school will disclose student records to ensure the well-being of the community. FERPA does not require a school to make a reasonable attempt to notify the parents or students of another school or school district's records request.

4. Law Enforcement

Records can be disclosed to comply with a judicial order or lawfully issued subpoena when they are necessary to adjudicate a juvenile effectively.

Our school must notify the parents or student of the order or subpoena in advance of compliance so that the student can seek protective action. Law enforcement must certify in writing that the information will not be disclosed to any other party without the written consent of the parent of the student.

Records also can be disclosed to an alleged victim of any crime of violence at the school at the victim's request. Criminal defendants can also get access to the records of their alleged victims if an official request is submitted by an attorney or legal officer of the court.

Students, parents, and guardians cannot access records and documents of law enforcement that are kept apart from education records and are maintained solely for law enforcement purposes and these records are not made available to people other than law enforcement officials.

5. Release of Records without Parental or Student Consent

General information regarding students is not confidential, and such information can be released to parties outside the school, included in press releases, and provided to recruiters. This type of information includes, but is not limited to:

- a. Name
- b. Address
- c. Telephone listing
- d. Participation in officially sanctioned activities and sports
- e. Weight and height of members of athletic teams
- f. Enrollment status
- g. Diplomas/Awards received
- h. Dates attended
- i. Other schools attended
- j. Place and date of birth
- k. Description of involvement in school activities

Records can be released to medical/mental health workers and to child protective services in order to respond to a health or medical emergency. The release of any other records or disclosures requires the consent of parents or guardian. Note: Any deviation to this regulation must be submitted by a parent or guardian within 30 days of receipt of this handbook.

6. Complaints

Parents must send complaints for alleged violations of FERPA to:

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue SW
Washington, DC 20202-5920

Complaints must be submitted in a timely fashion and no later than 180 days from the date the student experienced the alleged violation. They must contain "specific allegations of fact giving reasonable cause to believe that a violation has occurred," including relevant dates, names and titles of officials and students involved; a specific description of the education record; a description of all contacts with school officials regarding the matter, including times of phone calls and contents of correspondence; name and address of the school and any additional evidence.

All faculty and staff at our school have a copy of this policy and must adhere to this policy.

The policies of National Collegiate Prep in regard to confidentiality and access to student records are in accordance with guidelines established by the United States Department of Education.