

## **Birmingham Community Charter High School**

### **EDUCATIONAL RECORDS AND STUDENT INFORMATION POLICY**

The Board of Directors of Birmingham Community Charter High School (the “Charter School”), adopts this Educational Records and Student Information Policy.

#### **I. DEFINITIONS**

##### **1. Education Record**

An education record is any written or computerized document, file, entry, or record containing information directly relating to a student that is compiled and maintained by Charter School. Such information includes, but is not limited to:

- a. Date and place of birth; parent and/or guardian’s address, and where the parties may be contacted for emergency purposes.
- b. Grades, test scores, courses taken, academic specializations and school activities;
- c. Special education records;
- d. Disciplinary records;
- e. Medical and health records;
- f. Attendance records and records of past schools attended;
- g. Personal information such as, but not limited to, student identification numbers, social security numbers, photographs, or any other type of information that aids in identification of a student.

An education record does not include any of the following:

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;
- b. In the case of persons who is employed by Charter School but who is not in attendance at such agency or institution, records made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee; and are not available for use for any other purpose;
- c. Records of a student who is 18 years of age or older, or is attending an

Board Policy #: BP 22

Adopted/Ratified: \_\_\_\_\_

Revision Date: \_\_\_\_\_

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 Charter School; or

- d. Records that only contain information about an individual after he or she is no longer a student at Charter School.

## 2. Directory Information

Part of the education record, known as directory information, includes personal information about a student that Charter School may disclose consistent with the terms of Charter School's annual notice provided pursuant to the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. § 1232g) ("FERPA"). Directory information includes a student's name, address, telephone listing, date of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and the most recent previous educational agency or institution attended by the student.

## 3. Parent

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

## 4. Eligible Student

Eligible student means a student who has reached eighteen (18) years of age.

## II. DISCLOSURE OF DIRECTORY INFORMATION

At the beginning of each year, Charter School shall provide parents and eligible students with a notice containing the following information: 1) The type of personally identifiable information it designates as directory information; 2) The parent's or eligible student's right to request that Charter School not release "directory information" without obtaining prior written consent from parent or eligible student; and 3) The period of time within which a parent or eligible student may notify Charter School in writing of the categories of "directory information" that it may not disclose without the parent or eligible student's prior written consent.

## III. ANNUAL NOTIFICATION TO PARENTS AND ELIGIBLE STUDENTS

At the beginning of each school year, in addition to the notice required for directory information, Charter School shall provide parents and eligible students with a notice of their rights under the FERPA. The notice shall inform the parents and eligible students that they have the right to:

Board Policy #: BP 22

Adopted/Ratified: \_\_\_\_\_

Revision Date: \_\_\_\_\_

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 disclosure is permitted without prior written consent pursuant to FERPA; and
4. File with the U.S. Department of Education a complaint concerning alleged failures by Charter School to comply with the requirements of FERPA and its promulgated regulations.
5. Request that Charter School not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

The notice must also include the following:

1. The procedure for exercising the right to inspect and review educational records;
2. The procedure for requesting amendment of records;
3. A statement that Charter School forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll;
4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

#### IV. PARENTAL AND ELIGIBLE STUDENT RIGHTS RELATING TO EDUCATION RECORDS

Parents and eligible students have the right to review the student's education records. In order to do so, parents and eligible students shall submit a request to review education records in writing to the CEO/Principal. Within five (5) business days, Charter School shall comply with the request.

1. Copies of Education Records

Charter School will provide copies of requested documents within five (5) business days of a request for copies. Charter School may charge reasonable fees for copies it provides to parents or eligible students. The charge will not include a fee to search for or to retrieve the education records.

2. Request for Amendment to Education Records

Following the inspection and review of a student's education record, a parent or eligible student may file a written request with the CEO/Principal to correct or

Board Policy #: BP 22

Adopted/Ratified: \_\_\_\_\_

Revision Date: \_\_\_\_\_

remove any information in the student's education record that is any of the following:

- (1) Inaccurate;
- (2) Misleading; or
- (3) In violation of the privacy rights of the student.

Charter School will respond within thirty (30) days of the receipt of the request to amend. Charter School's response will be in writing and if the request for amendment is denied, Charter School will set forth the reason for the denial and inform the parent or eligible student of his or her right to a hearing challenging the content of the education record.

### 3. Hearing to Challenge Education Record

If Charter School denies a parent or eligible student's request to amend an education record, the parent or eligible student may request in writing that he/she be given the opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.

The hearing to challenge the education record shall be held within thirty (30) days of the date of the request for a hearing, notice of the date, time and place of the hearing will be sent by Charter School to the parent or eligible student no later than twenty (20) days before the hearing.

The hearing will be conducted by the CEO/Principal or his/her designee, who shall not be required to use formal rules of evidence or procedure. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent or eligible student may also, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney. The decision of the CEO/Principal or his/her designee will be based solely on the evidence presented at the hearing and is final. Within thirty (30) days after the conclusion of the hearing, Charter School's decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, Charter School decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, Charter School decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the

Board Policy #: BP 22

Adopted/Ratified: \_\_\_\_\_

Revision Date: \_\_\_\_\_

right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of Charter School, or both. If Charter School places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

## V. DISCLOSURE OF EDUCATION RECORDS AND DIRECTORY INFORMATION

Charter School must have a signed and dated written consent from the parent or eligible student before releasing any information from a student's education record with the exceptions listed below and for directory information. The written permission must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made. When disclosure is made pursuant to written permission, the parent or eligible student may request a copy of the disclosed records. Signed and dated written consent may include a record and signature in electronic form if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

Charter School will only disclose personally identifiable information on the condition that the receiving party not disclose the information to any party without the prior written consent of the parent or eligible student and that the receiving party use the information for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below and Charter School maintains the appropriate records, as described below. Except for disclosures pursuant to a judicial order or lawfully issued subpoena, of directory information or to parents or eligible students, Charter School will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior written consent of the parent or eligible student and that the receiving party use it for the purpose for which the disclosure was made.

Charter School will disclose education records, without consent, to the following parties:

1. School employees who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for Charter School in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue

Board Policy #: BP 22

Adopted/Ratified: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Code of 1986;

8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law.
11. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by Charter School with respect to that alleged crime or offense. Charter School may disclose the final results of the disciplinary proceeding, regardless of whether Charter School concluded a violation was committed.

#### VI. REQUIREMENTS IN SPECIFIC DISCLOSURE SITUATIONS

If Charter School discloses education records pursuant to Section (V)(2) above without consent to officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll, Charter School will make a reasonable attempt to notify the parent or eligible student at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, Charter School will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing pursuant to Section (IV)(3) above.

#### VII. RECORD KEEPING REQUIREMENTS

Charter School will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the parties who have requested or received the information and the legitimate interests the parties had in requesting or obtaining the information.

For disclosures of personally identifiable information to institutions that make disclosures of the information on behalf of Charter School in accordance with 34 C.F.R. 99.33(b), the record must include the names of the additional parties to which the receiving party may disclose the information on behalf of Charter School and the legitimate interests that each of the additional parties has in requesting or obtaining the information.

These record keeping requirements do not apply to requests from or disclosure to parents and eligible students, Charter School officials with a legitimate purpose of inspecting the records, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of personally identifiable student information may be inspected by parents and eligible students, Charter School officials (or their assistants)

Board Policy #: BP 22

Adopted/Ratified: \_\_\_\_\_

Revision Date: \_\_\_\_\_

responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of Charter School.

#### VIII. COMPLAINTS

Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Charter School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5920