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The Academy Board of Directors

*Executive Work Session
Monday, August 29, 2022
5:30 – 6:55pm*

Agenda

- | | |
|--|------------|
| Board Self-Evaluation | 25 Minutes |
| <i>Expectation: The Board will review its 21-22 self-evaluation and identify goals for 22-23.</i> | |
| Review Board Communication Pathways | 25 Minutes |
| <i>Expectation: The Board will reflect on expectations and improvements made in 21-22 for continuation in 22-23.</i> | |
| Facilities Master Planning | 40 Minutes |
| <i>Expectation: The CEO will update Board members on the work of the Futures Committee.</i> | |

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The Academy Board of Directors

*Board Meeting
Monday, August 29, 2022*

7:00pm

Agenda

Consent Agenda	
Moved by	
2 nd By	
Action	

Y/N/P/A	Name
	Drewlow, S
	Klenjoski, D
	Coffee, A.
	Sanchez, K
	McDuffee, A
	Fransua, L
	Hamele, S

I. Open Meeting

The Academy's mission is to help all students grow into college ready, exemplary citizens by combining academic mastery with personal empowerment to drive lifelong success. We serve our full community by intentionally developing a school culture that embraces diversity, equity, and inclusion. With this in mind, the Board of Directors welcomes all members of our community to this meeting and invites each person to begin our time together in whatever way will help ground you for thoughtful and productive discussion - a few deep breaths, a prayer, a moment to organize your thoughts, or whatever meets your needs.

II. Consent Agenda

- a. Approve Agenda
- b. Approval of [July 22, 2022](#), minutes

III. Public Comment

The chairperson will recognize anyone who signs the request form before the meeting time. Public comment and input shall be limited to fifteen minutes total, ten minutes per topic, and 2 minutes per speaker. Neither Board members nor Academy staff is obligated to respond to comments or input. The Board will provide written responses as deemed appropriate.

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- IV. Reports from Directors, Principals, and Committees
 - a. [CEO Report](#)– *Expectation: CEO will update the board on the current status of the school’s pandemic precautions as well as progress toward strategic goals.*
 - b. Committee Reports – *Expectation: Committee chairs will update the board on progress with each committee.*
 - i. Finance – No meeting this month
 - ii. SACademic – No meeting this month
 - iii. PTO – No meeting this month

- V. Presentation and Discussion
 - a. [2022-23 Bi-Annual Scorecard](#) – *Expectation: The Board will finalize the contents of the 22-23 scorecard.*
 - b. [Inclusive Facilities](#) - *Expectation: The CEO will update Board members on procedures for inclusive access to bathroom and locker room facilities.*
 - c. Ongoing Policy Review – *Expectation: The Board will review one policy each month and update as needed for compliance and alignment with the school mission and vision.*
 - i. Review Updates to [“Class Of” Accounts Policy](#)
 - d. Work Session Summary – *Expectation: The Board Chair will summarize the topics discussed during the work session prior to this formal meeting.*

- VI. Executive Summary
 - a. [Student Data Security Policy Approval](#) (annual requirement – no changes to the policy) – *Expectation: The Board will review the policy as needed and vote for its annual approval.*
 - b. [“Class Of” Accounts Policy](#) Approval – *Expectation: The Board will vote to approve the updated policy.*

- VII. Board Meeting Self-Scoring – *Expectation: The board will self-score their performance for the meeting according to preset criteria.*

Scoring Rubric	
1	Unsatisfactory
2	Satisfactory, looking for significant Improvement
3	Satisfactory, improving but still below expectations
4	Efficient meeting, meets expectations

 /4

- VIII. Adjourn Meeting

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Board of Directors
Board Meeting Minutes
Friday, July 22, 2022

Board Members Present:

Kevin Sanchez	Chairperson
Sarah Drewlow	Vice Chairperson
Dan Klenjoski	Board Member
Autumn Coffee	Secretary
Larissa Fransua	Board Member
Shawn Hamele	Board Member
Amy McDuffee	Board Member

Also Present:

Brent Reckman	CEO
Mark Wilson	COO
Andrea Foust	Finance Director

Minutes of the regular board meeting of The Academy held at 11800 Lowell Blvd, Westminster, CO 80031 in Adams County on July 22, 2022.

- I. Open Meeting
A quorum being present, Mr. Sanchez called the meeting to order at 8:20 am

- II. Consent Agenda
Mrs. Drewlow moved to approve the June 13, 2022, minutes. Seconded by Mrs. Fransua.

Discussion: None
Ayes: Sanchez, Klenjoski, Coffee, Fransua, Drewlow, Hamele
Nays: None
Abstention: McDuffee, because she missed the June meeting

- III. Public Comment
a. There was no public comment this month.

- IV. Presentation and Discussion
a. Annual Work Plan and Scorecard
 - i. Each principal took time to present their annual work plan for the 2022-23 school year. The director of work-based learning and the COO presented work plans for their areas as well.

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- b. Governing for Greatness: Board Training Review and Ongoing Development
 - i. The board reviewed the board manual; there were no questions or comments and signed the Board Member Profile Agreement.
 - ii. Conflict of Interest – by signing the Board Member Profile Agreement the board also signs off on the Conflict of Interest policy as well.
- c. Remote Learning Policy
 - i. CSI recommends that we have a policy in place regarding remote learning. We are not planning to offer remote learning, but we will vote on the policy in the event of an emergency.
- d. Meal Price Increase
 - i. CSI has recommended that we increase our meal prices to do the increase in supplies. We are recommending an increase between \$0.25 and \$0.50 for each of the categories.

V. Executive Session

- a. Mr. Sanchez made a motion to accept the proposed meal price increase with an option of an additional increase mid-year after confirming with CSI. Mrs. McDuffee seconded the motion.

Discussion: None
Ayes: Sanchez, Klenjoski, Coffee, Fransua, Drewlow, Hamele, McDuffee
Nays: None

- b. Mr. Sanchez made a motion to accept the remote learning policy as presented. Mr. Hamele seconded the motion.

Discussion: None
Ayes: Sanchez, Klenjoski, Coffee, Fransua, Drewlow, Hamele, McDuffee
Nays: None

VI. Adjourn Meeting

Mr. Sanchez adjourned the meeting at 11:58 am.

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CEO Board Report – August 2022 Meeting

Pandemic Response Update

Expectation: Share information about implementation of pandemic precautions and their impacts on the school year.

The Academy is beginning the school year according to guidance from CDPHE and Tri-County Health to follow a routine model of disease control. You can read more about what that includes on CDPHE's website [here](#).

Strategic Initiatives Update

Expectation: Share information about ongoing implementation of initiatives in support of The Academy's 5-year Strategic Plan.

Principals presented their 2022-23 Annual Work Plans to the Board at the July Retreat. This month the Board will finalize the 2022-23 Bi-Annual Scorecard.

The 2022-23 school year has gotten off to a great start! Operations and routines across both buildings feel more normal than they have in two years. The energy among students and staff has been very positive. We hosted our Welcome Back event on Friday, August 19th with a great turnout from students, staff, and families. Student enrollment fluctuates daily at this time of year, but we are within a few students of our budget enrollment number of 1845 students in grades K through 12.

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Futures Committee Update

Expectation: Share information about ongoing implementation development of a Facilities Master Plan.

Our design partners from HCM Architects met with the Futures Committee on Monday, August 8th. Following a series of efforts to collect feedback and complete a full site evaluation, they presented some initial ideas for the committee to consider. That presentation has been shared with the Board. The committee's initial response was positive and excited. The group decided to gather more specific information on financial possibilities and constraints before working to further refine this master plan proposal. The CEO, COO, and Finance Director are working on that step now.

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Data Dashboard 2022-23

Bi-Annual Instruction & Culture Scorecard

	Lower Elementary	Upper Elementary	Middle School	High School
Instruction	Reading	Reading	Reading	Reading
	<u>5-Year KPI</u> 70% Star SGP 50+	<u>5-Year KPI</u> 70% Star SGP 50+	<u>5-Year KPI</u> 65% MAP CGP 50+	<u>5-Year KPI</u> 65% MAP CGP 50+
	<u>21-22 Year-End Actual</u> 52.7% Star SGP 50+	<u>21-22 Year-End Actual</u> 55.7% Star SGP 50+	<u>21-22 Year-End Actual</u> 32.9% CGP 50+	<u>21-22 Year-End Actual</u> 53.4% CGP 50+
	<u>22-23 Year-End Target</u> 57% Star SGP 50+	<u>22-23 Year-End Target</u> 58% Star SGP 50+	<u>22-23 Year-End Target</u> 38% CGP 50+	<u>22-23 Year-End Target</u> 57% CGP 50+
	Math	Math	Math	Math
	<u>5-Year KPI</u> 70% Star SGP 50+	<u>5-Year KPI</u> 70% Star SGP 50+	<u>5-Year KPI</u> 65% MAP CGP 50+	<u>5-Year KPI</u> 65% MAP CGP 50+
	<u>21-22 Year-End Actual</u> 59.3% Star SGP 50+	<u>21-22 Year-End Actual</u> 64.9% Star SGP 50+	<u>21-22 Year-End Actual</u> 41.8% CGP 50+	<u>21-22 Year-End Actual</u> 54.3% CGP 50+
	<u>22-23 Year-End Target</u> 62% Star SGP 50+	<u>22-23 Year-End Target</u> 65% Star SGP 50+	<u>22-23 Year-End Target</u> 47% CGP 50+	<u>22-23 Year-End Target</u> 58% CGP 50+

Culture	Student Experience	Student Experience	Student Experience	Student Experience
	<u>5-Year KPI</u> 4 Units Per Year <u>21-22 Year-End Actual</u> 1 Unit in 2 nd Grade <u>22-23 Year-End Actual</u> 1 Unit Complete in All Grades w/ Accompanying Culminating Experiences	<u>5-Year KPI</u> 4 Units Per Year <u>21-22 Year-End Actual</u> 1 Unit Per Grade Level <u>22-23 Year-End Actual</u> 2 Units Complete in All Grades w/ Accompanying Culminating Experiences	<u>5-Year KPI</u> Student Belonging <u>21-22 Year-End Actual</u> N/A <u>22-23 Year-End Target</u> 3.0+ Average Response on Student Survey	<u>5-Year KPI</u> Hone Academic Skills Along w/ Intrapersonal, Social, and Leadership Skills <u>21-22 Year-End Actual</u> N/A <u>22-23 Year-End Target</u> Develop Supportive MTSS Structures
	Personal Leadership Development	Personal Leadership Development	Personal Leadership Development	Personal Leadership Development
	<u>5-Year KPI</u> Complete Curriculum & Leadership Notebooks <u>21-22 Year-End Actual</u> Complete Curriculum & Leadership Notebooks <u>22-23 Year-End Target</u> Maintain Practices & Deepen Participation	<u>5-Year KPI</u> Complete Curriculum & Leadership Notebooks <u>21-22 Year-End Actual</u> Complete Curriculum & Leadership Notebooks <u>22-23 Year-End Target</u> Maintain Practices & Deepen Participation	<u>5-Year KPI</u> 80% Restorative Solutions <u>21-22 Year-End Actual</u> Consistent Expectations & Predictable Response <u>22-23 Year-End Target</u> 50% Restorative Solutions	<u>5-Year KPI</u> Implement High Quality Advisory Structure <u>21-22 Year-End Actual</u> Implement High Quality Advisory Structure <u>22-23 Year-End Target</u> Build Authentic Relationships & Leverage Student Voice



Data Dashboard 2022-23

Bi-Annual Finance & Operations Scorecard

	Staff Compensation	Staff Demographics	Financial Compliance	Long-Term Planning
Finance	<p>Increase Teacher Base Pay By At Least \$1500 Annually</p> <p><u>21-22 Year-End Actual</u> Goal Exceeded See New Salary Schedule</p>	<p>Pursue Hiring Practices Aimed At Recruiting A Staff Population That More Closely Resembles Student Demographics</p> <p><u>21-22 Year-End Actual</u> Goal Met</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	<p>Financial Transparency Act Requirements Met Click here for details</p> <p><u>21-22 Year-End Actual</u> Goal Met</p>	<p>Complete Annual Review of Facilities Costs</p> <p><u>21-22 Year-End Actual</u> Goal Met</p> <p>Complete Twice Annual Facilities Update Report</p> <p><u>21-22 Year-End Actual</u> Goal Met</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>
	<p>Provide Annual Pay Increases For Returning Support Staff Of At Least 2.5%</p> <p><u>21-22 Year-End Actual</u> Goal Exceeded 5% Pay Increases Budgeted</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>		<p>3% TABOR Fully Funded</p> <p><u>21-22 Year-End Actual</u> Goal Met</p> <p>Cash on Hand Requirements Met</p> <p><u>21-22 Year-End Actual</u> Goal Met</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	
Operations	Student Enrollment	Student Demographics	Customer Satisfaction	Feedback Pathways

	<p>Meet Or Exceed Annual Enrollment Target of 1875 Students PK-12</p> <p><u>21-22 Year-End Actual</u> Goal Exceeded 1894 Students</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	<p>Pursue Marketing & Enrollment Practices Aimed At Recruiting A Student Population That More Closely Resembles Local Demographics</p> <p><u>21-22 Year-End Actual</u> Goal Met Recruitment Plan Communications Plan Handbook Updates League SPED Review</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	<p>Customer Satisfaction Rating Of At Least 4.5 In All Areas Of Operational Support</p> <p><u>21-22 Year-End Actual</u> Goal Met Average Rating of 4.5</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	<p>Provide Formal & Informal Opportunities For Customers To Share Feedback</p> <p><u>21-22 Year-End Actual</u> Goal Met New Survey Structure</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>
Governance	Tracking Strategic Initiatives	Board Self-Evaluation	Board Representation	Board Succession Plan
	<p>Develop & Track A Bi-Annual Scorecard To Monitor Strategic Initiatives</p> <p><u>21-22 Year-End Actual</u> Goal Met This Scorecard Principal Data Presentations</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	<p>Complete Annual Board Self-Evaluation & Set Related Goals For Improvement</p> <p><u>21-22 Year-End Actual</u> Goal Met Self-Eval Completed in June Meeting</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	<p>Recruit Board Membership That Better Reflects The Demographics Of The Overall School Community</p> <p><u>21-22 Year-End Actual</u> Goal Met Increased Member Diversity in Last Round of Recruitment; No New Members for 22-23</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>	<p>Develop & Maintain A Rolling Three-Year Succession Plan</p> <p><u>21-22 Year-End Actual</u> Goal Met Board Member Check-Ins</p> <p><u>22-23 Year-End Target</u> Maintain Practices</p>

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Guidelines for Access to Inclusive Facilities

References:

https://www.cde.state.co.us/cde_english/titleix-transgenderstudents
[DORA Civil Rights Commission Rules](#)

Colorado Anti-Discrimination Law

Colorado follows state anti-discrimination and civil rights laws and guidance. On May 20, 2021, Colorado [H.B. 21-1108](#) was signed into law expanding prohibitions against discrimination. The law calls out the need to protect all regardless of “disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, or ancestry” in all places of public accommodation, including schools.

Gender Identity

In addition, with respect to gender identity, the Colorado Department of Regulatory Agencies’ Civil Rights Commission issued rules ([3 CCR 708-1](#)) that state “All [public] covered entities shall allow individuals the proper use of gender-segregated facilities that are consistent with their gender identity. Gender-segregated facilities include but are not limited to, restrooms, locker rooms, dressing rooms and dormitories.” The term “gender identity” is in turn defined by the rules as follows: “Gender identity” means an innate sense of one’s own gender.”

A Colorado court case in 2013 supported the right of a 6 year-old transgender student in Fountain School district to use the restroom that aligned with her gender identity.

Academy Procedures

The Academy provides gender segregated, multi-occupant bathrooms in each primary instructional hallway throughout the Main Campus building.

- All students have access to the gender-segregated bathroom that matches their gender assigned at birth.
- Any student who identifies with a gender other than that assigned at birth will have access to the gender-segregated bathroom that matches their gender identity by following the procedure below:

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- The student will communicate their gender identity to a trusted staff member;
- A level administrator and/or counselor will work with the student and their family to confirm the request and update the student's profile in PowerSchool to match their gender identity; and
- The student will then have access to the relevant bathroom.

The Academy provides two all-gender, single occupant bathrooms in the Main Campus building – one in the elementary wing and one in the secondary wing.

- All secondary students have access to the all-gender, single occupant bathroom in the secondary wing by requesting a key from the Help Desk.
- All elementary students have access to the all-gender, single occupant bathroom in the elementary wing by requesting a key from the Elementary Admin Office.

The Academy provides gender segregated locker rooms at the Main Campus building.

- All students have access to the gender-segregated locker room that matches their gender assigned at birth.
- Any student who identifies with a gender other than that assigned at birth will have access to the gender-segregated locker room that matches their gender identity by following the procedure below:
 - The student will communicate their gender identity to a trusted staff member;
 - A level administrator and/or counselor will work with the student and their family to confirm the request and update the student's profile in PowerSchool to match their gender identity; and
 - The student will then have access to the relevant locker room.

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'CLASS OF' ACCOUNTS POLICY

Mission:

The Academy's mission is to help all students grow into college-ready, exemplary citizens by combining academic mastery with personal empowerment to drive lifelong success. We serve our full community by intentionally developing a school culture that embraces diversity, equity, and inclusion.

Background:

Students, from Grade 7 through their senior year, put money into their respective Class of 20XX account to pay for Senior Gifts e.g. sweatshirts, 'Class Of' gifts. Once the students leave, there are occasionally funds left that have been carried on the books for years. In 2014, it was approved for these funds to be added to our General Funds.

Evaluation:

A policy to move the excess 'Class Of' monies away from General Fund and toward purchases that will explicitly support the student body and academics.

Proposed Policy: Within six months of graduation, any unused funds in that year's 'Class Of' account would be transferred to facilitate the removal of liability from The Academy and to put funds back into the student body e.g. graduation, HS Principal discretionary, StuCo etc.

Recommendation:

Move to approve a policy transferring unused funds from graduated Class of XXXX accounts to areas that more explicitly benefit the student body within six months of graduation.

References

The Board of Directors at The Academy approved the 'Class of' Accounts Policy on the 29th day of August 2022.

Board Chairperson

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Date

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STUDENT DATA TRANSPARENCY AND SECURITY POLICY

Mission Statement: The Academy serves our students to develop college ready, exemplary citizens by promoting excellence in academics, character and relationships.

The Academy is committed to protecting the confidentiality of student information obtained, created, and/or maintained by the school. Student privacy and the school's use of confidential student information are protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Student Data Transparency and Security Act (the Act). The Academy will manage its student data privacy, protection, and security obligations in accordance with this policy and applicable law.

Definitions

"Student education records" are those records that relate directly to a student. Student education records may contain, but not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns; and any Individualized Education Program (IEP).

"Student personally identifiable information" or "student PW" means information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by The Academy, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

"Security breach" means the unauthorized disclosure of student education records or student PII by a third party.

The following terms used in this policy shall be as defined by the Act: "school service," "school service contract provided" and "school service on-demand provider."

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Directory Information

The term "directory information" is used for the portion of the education record that, if disclosed, would not generally be considered harmful or an invasion of privacy (34 CFR § 99.3). This may include the student's name, grade, participation in sports or activities, date and place of birth, honors and awards, and dates of attendance.

Schools that disclose directory information must give "public notice" of this policy and explain what is included in such information. The notice must also indicate that parents may refuse to allow the school to designate any, or all, of their child's record as directory information.

Access, Collection and Sharing Within The Academy

The Academy shall follow applicable law in the access to, collection of, and sharing of student education records.

The Academy staff members shall ensure that confidential information in student education records is disclosed within the school only to officials who have a legitimate educational interest, in accordance with applicable law.

Appropriate Academy staff members shall be required to sign and comply with the school's agreement (The Academy Privacy and Protection of Confidential Student Information Acknowledgement Form — to be developed) concerning the protection of confidential student information, which describes the appropriate uses and safeguarding of student education records.

Contract Providers, On-Demand Providers, or Other Third Parties

Academy staff members shall ensure that student education records are disclosed to persons and organizations outside the school only as authorized by applicable law and Academy policy. The term "organizations outside the school" includes school service on-demand providers and school service contract providers. Acquisition and use of any third-party apps and services that use student data in any capacity must be pre-approved by the Academy. Staff must follow the procedure to secure approval before using the contract provider or on demand provider. The Academy will identify specific programs or apps that are approved for school and teacher use and make that list available on the Academy Website.

Any contract between The Academy and a school service contract provider shall include the provisions required by the Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.

In accordance with the Act, The Academy shall post the following on its website: .

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- a list of the school service contract providers that it contracts with and a copy of each contract;
- clear explanation of the student PII Colorado Department of Education (CDE) collects
- to the extent practicable, a list of the school service on-demand providers that the network uses
- Privacy and security standards
- CDE data inventory index
- The security of student education records maintained by the school is a high priority.
- Security breach or other unauthorized disclosure

Staff members who disclose student education records in a manner inconsistent with applicable law and Academy policy may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and Academy policy.

Employee concerns about a possible security breach shall be reported immediately to the Chief Finance and Operations Officer (COO). If the COO is the person alleged to be responsible for the security breach, the staff member shall report the concern directly to the Chief Executive Officer (CEO).

When the school determines that a school service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student PII, The Academy shall follow this policy's accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict The Academy from terminating its contract with the school service contract provider, as deemed appropriate by the school and in accordance with the contract and the Act.

Data Retention and Destruction

The Academy shall retain and destroy student education records in accordance with applicable law and Academy policy.

Staff Training

The Academy shall provide periodic in-service trainings to appropriate staff members to inform them of their obligations under applicable law and school policy concerning the confidentiality of student education records.

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Parent/Guardian Complaints

In accordance with this policy's accompanying regulation, a parent/guardian of an Academy student may file a written complaint with the COO if the parent/guardian believes the school has failed to comply with the Act.

Parent/Guardian Requests to Amend Student Education Records

Parent/guardian requests to amend his or her child's education records shall be in accordance with The Academy's procedures governing access to and amendment of student education records under FERPA, applicable state law and Academy policy.

Oversight and Review

The CEO or designee shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The CEO or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student education records in light of advances in data technology and dissemination. The CEO or designee shall recommend revisions of this policy and/or accompanying regulation as deemed appropriate or necessary to The Academy Board of Directors. The Academy Board will annually review and approve this policy at the regularly scheduled August Board meeting.

Compliance with Governing Law and Governing Board Policy

The Academy shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student education records. The school shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

Photographs and Media Release

Students may occasionally appear in photographs and videos taken by Academy staff members, other students, or other individuals authorized by the CEO or other Academy staff members. The Academy may use these pictures, without identifying the student, in various publications, including but not limited to, the school yearbook, social media, school newspaper, and school website. No consent or notice is needed or will be given before The Academy uses pictures of unnamed students taken while they are at school or a school-related activity.

Many times, however, The Academy will want to identify a student in a school picture. Academy staff may want to acknowledge those students who participate in a school activity or

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deserve special recognition. In order for The Academy to publish a picture with a student identified by name in any school-sponsored material, including yearbook, one of the student's parents or guardians must sign a consent form. Granting consent allows The Academy to publish and otherwise use photographs and videos, with the child identified, while he or she is enrolled at The Academy. This consent is valid for one year and may be revoked at any time by notifying the student's Level Principal or the Academy CEO.

FERPA is not the only statute that limits what providers can do with student information. The Protection of Pupil Rights Amendment (PPRA) provides parents with certain rights with regard to some marketing activities in schools. Specifically, PPRA requires that a school district must, with exceptions, directly notify parents of students who are scheduled to participate in activities involving the collection, disclosure, or use of personal information collected from students for marketing purposes, or to sell or otherwise provide that information to others for marketing purposes, and to give parents the opportunity to opt-out of these activities. While FERPA protects PII from education records maintained by a school or district, PPRA is invoked when personal information is collected from the student.

Hearing and Complaint Procedures

Contract Breach by School Service Contract Provider

Within a reasonable amount of time after The Academy determines that a service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student personally identifiable information (PI'), the CEO or designee shall make a decision regarding whether to terminate the school's contract with the service contract provider in accordance with the following procedure.

The school shall notify the service contract provider of the basis for its determination that the service contract provider has committed a material breach of the contract and that the CEO is investigating the material breach.

The service contract provider may submit a written response to the CEO regarding the material breach.

The CEO will review the nature of the material breach and any response submitted by the service contract provider.

The CEO shall decide whether to terminate the contract with the service contract provider within 30 days of the start of the investigation and shall notify the service contract provider of its decision. The CEO's decision shall be final.

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Parent/Guardian Complaints

In accordance with this policy, the parent/guardian of an Academy student may file a written complaint with the COO if the parent/guardian believes the school has failed to comply with the Student Data Transparency and Security Act (the Act).

The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the school has violated and its impact on his or her child. The COO will review the complaint and present all applicable information to the CEO. The CEO or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.

Within 10 calendar days of receipt of the school's response, the parent/guardian may appeal to The Academy Governing Board. Such appeal must be in writing and submitted to the CEO or designee.

The Academy Governing Board shall review the parent's complaint and the CEO's response at a regular or special meeting. A school representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.

The Board shall make a determination regarding the parent/guardian's complaint that the school failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final. This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the school shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and Academy policy.

Governing Board Policy

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of an Academy Board Policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. The complaint and hearing procedures described in this regulation shall apply, unless the context otherwise requires and/or unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts any of these procedures, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

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POLICY HISTORY

This policy supersedes any previously existing policy of The Academy of Charter Schools pertaining to the content herein.

Board Chair Signature: _____

Date of Adoption: August 31, 2020

Board Review: August 29, 2022

Legal Refs.:

- 15 U.S.C, 6501 et seq. (Children's Online Privacy Protection Act)
- 20 U. S.C. 1232g (Family Educational Rights and Privacy Act)
- 20 U.S.C. 1232h (Protection of Pupil Rights Amendment)
- 20 U.S.C. 1415 (IDEIA procedural safeguards, including parent right to access student records)
- 20 U. S.C. 8025 (access to student information by military recruiters)
- 34 C.F.R. 99, 1 et seq. (FERPA regulations)
- 34 C.F.R. 300.610 et seq. (IDEIA regulations concerning confidentiality of student education records)
- C.R.S. 19-1-303 and 304 (records and information sharing under Colorado Children's Code)
- C.R.S. 22-1-123 (district shall comply with FERPA and federal law on protection of pupil rights)
- C.R.S. 22-16-101 et seq. (Student Data Transparency and Security Act)
- C.R.S. 22-16-107 (2)(a) (policy required regarding public hearing to discuss a material breach of contract by school service contract provider)
- C.R.S. 22-16-107 (4) (policy required regarding student information privacy and protection)
- C R.S. 22-16-112 (2)(a) (policy required concerning parent complaints and opportunity for hearing)
 - C. R. S. 24-72-204 (3)(a)(VI) (schools cannot disclose student address and phone number without consent)
- C.R.S. 24-72-204 (3)(d) (information to military recruiters)
- C.R.S. 24-72-204 (certain FERPA provisions enacted into Colorado Law)
- C.R.S. 24-72-204 (3)(e)(II) (disclosure by staff of information gained through personal knowledge or observation)
- C.R S. 24-80-101 et seq. (State Archives and Public Records Act)
- C.R.S. 25.5-1-116 (confidentiality of HCPF records)

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