



San Jose Charter Academy

Information Sharing Policy

San Jose Charter Academy shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status without first attempting to notify the parent or guardian in compliance with the Family Educational Rights and Privacy Act (FERPA).

School personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- Notify a designated school official about the information request.
- Provide students and families with appropriate notice and a description of the officer or employee's request.
- Document any verbal or written request for information by an officer or employee of an agency for immigration enforcement purposes.
- Unless prohibited, provide students and parents/guardians with any documents provided by the officer or employee seeking the information.

Except for investigations of suspected child abuse, child neglect, or child dependency, or when the subpoena served on the school prohibits disclosure, the school shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

San Jose Charter Academy shall make every effort to receive written parental or guardian consent for release of student information, unless the information is for directory information only. The school should make a photocopy of the request and immediately consult legal counsel and/or a designated representative of the agency. No information regarding students, their families, teachers, or employees shall be disclosed, to the extent without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with requirements set forth in Section 99.31 (a)(9)(ii) of Title 34 of the Code of Federal Regulations. If faced with an administrative subpoena, consult legal counsel to determine how or whether to respond as there is no separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.

The school's request for written parental, guardian, or eligible student consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be



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disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. The school shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian, or eligible student refuses to provide written consent for the release of student information that is not otherwise subject to release, the school shall not release the information.

If the request seeks information regarding an employee or teacher of the school, the same procedures as above should be followed, except that human resources personnel should be consulted first.

For any requests for information, the school is under no obligation to produce the records or information immediately. Rather, the school should note any designated date for production of records, if one is indicated in the request, and convey that to a designated person at the school. The school shall designate a contact person to whom such requests for information should be directed.

The school shall obtain the contact information of the person to whom a response to the request for information should be directed and forward such contact information to the person the agency has designated to receive such requests.