Student Records and Confidentiality Policy

Statement of Policy:
The Boys' Latin of Philadelphia Student Records and Confidentiality Policy ("the policy") is adopted by the Boys' Latin of Philadelphia Board of Trustees ("the board") as the Boys' Latin of Philadelphia ("Boys' Latin" or "the school") plan for the collection, maintenance, and dissemination of student records. Copies of this policy shall be maintained by the school and updated as required by changes in state or federal law. Copies of this policy shall be submitted to Pennsylvania Department of Education ("PDE") upon request.

An official student record shall be maintained for each student. This record shall contain only certified information of recognized importance and may be used only for the benefit or welfare of the student. Any other records shall be considered provisional and temporary and shall be destroyed when their usefulness is no longer apparent or when the student leaves the school. Records shall be directly accessible only to the professional staff, the student, and the parent. Boys' Latin recognizes the need to protect the confidentiality of personally identifiable information in the education records of all students. This policy has been prepared to insure the privacy rights of the parents and the student with and without disability, in the collection, storage, disclosure, and destruction of these records. Toward that end, this policy complies with all federal record requirements as outlined in 20 USC 1232g and incorporates provisions from the Regulations of the State Board of Education of Pupil Records (22 Pa. Code Chapter. 12), the Family Educational Rights and Privacy Act of 1974, as amended July 6, 2000 ("FERPA", 34 CFR Part 99 et seq.), the Confidentiality Section of P.L. 94-142, Individuals with Disabilities Education Act ("IDEA") and its implementing regulations in 34 CFR Part 300 et seq. (relating to assistance to states for the education of children with disabilities), and Chapter 711, Charter School Services and Programs for Children with Disabilities.

Definitions:
Administrative data refers to achievement, evaluation, and attendance records that shall be maintained in the official student record. This record shall include such items as name of the student, sex, place and date of birth, name of parent, address, telephone number, academic credits earned, attendance dates, and enrollment dates.

Directory information means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes but is not limited to, the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight, and height if member of athletic team, dates of attendance, degrees and awards received, most recent previous educational agency or institution attended by the student, and other similar information. Boys' Latin will not release directory information without parent consent. Directory information does not include a student's social security number.

Disclosure means permitting access, release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Destruction means the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Educational agencies mean a public agency, home school, private school, approved private school or private agency, school district, intermediate unit, or the department of education, or any component part thereof, which collect, maintain, or use education records containing personally identifiable information or from which such records or information is obtained.

Education records means the type of records covered under the definition of "education records" in 34 CFR Part 99.3 (the regulations implementing FERPA). The records are directly related to a student and maintained by an educational or participating agency or institution or by a party acting for the agency or institution. The records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons, which are kept in the sole possession of the maker of the record and are not accessible or revealed to any other individual except a temporary substitute. The records also do not include:

- Records of an educational agency or institution that contain only information about an individual after they are no longer a student at that agency or institution. An example would be information collected which pertains to the accomplishments of its alumni.
- Records relating to an eligible student which were created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional capacity or assisting in that capacity and (1) are made, maintained, or used only in connection with treatment of the student, (2) are not disclosed to anyone other than individuals providing treatment, and (3) may be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition "treatment" does not include remedial educational activities or activities which are a part of the program of instruction at the educational agency or institution.

Eligible student means a student who has attained 18 years of age or is a high school graduate. Under the regulations of FERPA, the rights of parents regarding education records are transferred to students in regular education at age 18. The rights of parents regarding education records are transferred to students in special education at age 22.

Legitimate educational interest describes a purposeful educational involvement with a student in which there is an official need to review an education record in order to fulfil their professional responsibility.

Parent includes a natural parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. Boys' Latin presumes that the parent listed on the enrollment form has the authority to inspect and review records relating to their student. Parents not listed must provide documentation before viewing records.

Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained.

Personally identifiable information includes, but is not limited to:

- The student's name; the name of the student's parent or other family member.
- The address of the student or student's family.
- A personal identifier, such as social security number or student number.
- A list of personal characteristics which make the student's identity traceable.
- Other information that would make the student's identity traceable, including indirect identifiers or information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty.

Provisional records include sensitive but potentially useful information not yet verified or clearly needed beyond the immediate present such as psychological reports or disciplinary records.

Record includes information or data recorded in any medium, including but not limited to, handwriting, print tapes, film, microfilm, and microfiche.

School officials refer to administrators, teachers, athletics coaches, and other professional personnel who have legitimate educational interest and are directly responsible for the instruction or the health and safety of a student while in attendance at school.

Student means any individual who is or has been in attendance at an educational agency or institution and for whom the agency or institution maintains records.

Responsibility and Authority:
The board has primary responsibility for the development of this policy and oversight of its implementation, via an annual audit. Only records mandated by the Commonwealth of Pennsylvania or federal government or specifically permitted by the Board may be compiled.

Toward that end, the Chief Executive Officer ("CEO") of Boys' Latin is designated to prepare an administrative policy which incorporates relevant legal provisions regarding the compilation, maintenance, access to, and security of student education records and to supervise adherence to the policy.

The CEO of Boys' Latin shall assume ultimate responsibility for ensuring the confidentiality of any personally identifiable information. The Chief Operating Officer ("COO"), Chief Administrative Officer ("CAO"), Senior Director of Academics, Director of Information Systems, Director of Student Information Systems, Director of School Support Services, High School Principal, Middle School Principal, High School Director of Specialized Services, Middle School Director of Specialized Services, High School Nurse, and Middle School Nurse are furthermore responsible for ensuring confidentiality.

The school's board and employees shall comply with FERPA at all times.

Collection of Education Records:

- ***Initiation of Student Records:***
    - An official student record shall be initiated by Boys' Latin or the first school attended and shall be maintained by the Director of School Support Services under the security and responsibility of the CEO or their designee. The High School Director of Specialized Services and Middle School Director of Specialized Services shall maintain special education records under the same conditions.
- ***Transfer of Education Records:***
    - When the education records for a general or special education student are transferred from a public agency, private school, approved private school or private agency to a charter school, the public agency, private school, approved private school or private agency from which the student transferred shall forward all of the student's education records, including the most recent Individualized Education Program ("IEP") if applicable, within 10 business days after the public agency, private school, approved private school or private agency is notified in writing that the student is enrolled in a charter school.
    - When the education records for a general or special education student are transferred to a public agency, private school, approved private school or private agency from a charter school, the charter school shall forward the student's education records, including the most recent IEP if applicable, within 10 business days after the charter school is notified in writing that the student is enrolled at another public agency, private school, approved private school or private agency.
- ***Types of Data Included in Education Records:***

- *Administrative data:* Minimum data will be kept concerning achievement, evaluation, and attendance and shall be maintained in the official student record. This record shall include such items as name of the student, sex, place and date of birth, name of parent, address, telephone number, academic credits earned, attendance records by dates, and enrollment dates.
- *Supplementary data (certified data of clear importance):*
    - The medical record is considered part of the official student record and shall be placed in the student's file when they leave the school system. At Boys' Latin, the school nurse and the Director of School Support Services maintain medical records.
    - Standardized intelligence and aptitude test scores, interest inventory results, health data, family background information, and teacher or counselor ratings and observations may be included in the official student record. Service awards, achievements, volunteer services in school or community, part-time work, and other items considered enhancing to a student may be recorded in the official student record. Verified reports of serious recurrent behavior problems and verified reports of constructive acts also may be included in the official record.
    - A parent or eligible student may request that specific date be placed in the official student record. If such information is verified and has recognized relevance it may be added to the record. If the teacher or counselor refused to accept the material, the parent or eligible student may appeal the decision to the School Principal.
    - A parent or eligible student may submit a statement concerning any material in the official student record. Such a statement shall be dated and signed and shall be kept in the record as long as the data it concerns remains in the official record.
- *Provisional records:* Types of data include sensitive but potentially useful information not yet verified or clearly needed beyond the immediate present.
    - Psychological reports: A release must be obtained from the parent before psychological reports are provided to any non-school personnel or non-custodial parent. School personnel who need to know the relevant educational contents are informed as to the confidentiality and security needs of psychological reports. When a psychological evaluation has been made, a notation will be made in the official student record that the student was individually evaluated, the tests administered and the dates of administration and parent/student conference.
    - Pertinent information, which may include disciplinary records, family financial data, interest inventory results, medical information, teacher anecdotal records, legal findings, and clinical records.
- *Professional notes:* The professionals who are directly involved with the student's health, education, and welfare may maintain personal and confidential files containing notes, transcripts of interviews clinical diagnoses, and other memory aids for their own use. Such data are to be considered confidential and treated as such. All such data must be destroyed when their usefulness is no longer apparent or when the student leaves the school system. Professional notes, when not shared with others, are not considered education records. They should also be destroyed when their usefulness is no longer apparent, in accordance with the professional's licensing regulations.

Inspection and Disclosure of Education Records:

- ***Right to Inspect or Examine Official Student Records:***
    - *Parent or eligible student:* The school shall permit parents or an eligible student to inspect and review any relevant education records that are collected, maintained, or used. Parents of children in special education may also review all education records relating to the identification, evaluation, educational placement of, and the provision of free appropriate public education to, their student written request to inspect or examine records should be addressed to the Director of School Support Services. Such request will be met before any

IEP meeting, hearing, or resolution session, and in no case more than 20 business days after a request is received.The right to inspect and review education records includes: (1) the right to a response from Boys' Latin to reasonable requests for explanations and interpretations of the record; (2) the right to request that Boys' Latin provide copies of the records containing the information, if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review; and (3) the right to have a representative of the parent inspect and review the records.

- The right to inspect and review education records includes: (1) the right to a response from Boys' Latin to reasonable requests for explanations and interpretations of the record; (2) the right to request that Boys' Latin provide copies of the records containing the information, if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review; and (3) the right to have a representative of the parent inspect and review the records.
- The school may charge a fee, equal to the actual cost of reproduction, for copies of records that are made for parents, if the fee does not effectively prevent the parents from exercising their right to inspect and review the records. The school will not charge a fee to search for or to retrieve information.
- In the event that parents of a student are separated or divorced, either or both parents may have access unless a legal restraining order prohibits such access to a particular parent.
- Parents and students will be informed of the list of types of student records and their right of access to them. The information will be distributed annually.
- If any education record includes information on more than one student, the parents of one of the students have the right to inspect and review only information relating to their student or to be informed of that specific information.
- Boys' Latin shall provide parents, on request, a list of the types and locations of education records collected, maintained, or used by the school.

- *Disclosure of records with written consent:* Whenever records are inspected or disclosed upon written consent, it shall be only under the following circumstances.
  - The parent or eligible student shall provide a signed and dated written consent before Boys' Latin discloses personally identifiable information from the student's education records (except as provided in FERPA, Sec. 99.31). The written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party to whom the disclosure may be made. Upon request, the parent or eligible student shall be provided with a copy of the records disclosed.
  - Where individual consent is required, the student's consent shall also be obtained when they are reasonably competent to understand the nature and consequences of their decision.
  - No statement of consent shall be binding unless it is freely given after the parent or eligible student has been fully informed as to the methods by which the information will be collected and the uses to which it will be put.
- *Disclosures of records without written consent:* Pursuant to Sec. 99.31 (FERPA), Boys' Latin may disclose personally identifiable information from the education record of a student without consent if the disclosure meets one or more of the following conditions:
  - The disclosure is made to the professional staff of Boys' Latin who have been determined to have a specific, legitimate educational interest, including teachers, administrative personnel, counselors, speech therapist, psychologist, and school nurse. Especially excluded are student teachers and teaching assistants. Written consent must be obtained by student teachers for the preparation of case histories to fulfill college requirements.

        - Law enforcement and judicial authorities may receive a report of a crime committed by a student with a disability from the school. The school is not prohibited from reporting a crime committed by a student with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law. When reporting a crime committed by a student with a disability, the school shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime. When reporting a crime under this section, the school may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.
        - The officials of another school system in which the student intends to enroll, upon condition that reasonable effort be made to notify the parent or eligible student of the material to be disclosed and of their right to obtain copies of the material to be disclosed and to request amendment of the records.
        - Federal and state officials for the purpose of an audit and evaluation of federally supported education programs or for enforcing or complying with federal legal requirements, which relates to these programs. In formation provided shall contain the minimum necessary information that is personally identifiable, and such information shall be destroyed upon completion of such audit, evaluation, enforcement, or compliance.
        - Persons or agencies in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
        - Persons or agencies in compliance with a judicial order pursuant to any lawfully issued subpoena. The parent or eligible student shall be notified of all such orders and Boys' Latin's compliance. The parent or eligible student may receive a copy of the information released if desired copies will be provided at the actual cost of reproduction.
        - The disclosure is to authorized representatives of the state or federal Comptroller General, the state or federal Secretary of Education, or state and local educational authorities, including the district and the CSO as both have legitimate educational interests in the education records of Boys' Latin students as the authorizer of charter schools in Philadelphia, and pursuant to all applicable laws.
        - The school may provide anonymous directory information from its records, including the official student record, for research purposes without consent under conditions where there is no likelihood of identifying any individual.
    - *Lists of identifying names and addresses:* This information shall not be released to any outside agency.
- ***Right to Inspect or Examine Provisional Records:***
    - *Parent or eligible student:* Access is the same as for official student records.
    - *Without written consent of parent or eligible student:* No provisional records may be released without written consent of the parent or eligible student, except as specified below.
        - Information from psychological evaluations may be released without written consent to authorized school personnel at Boys' Latin only.
        - Psychological reports shall not follow a student from Boys' Latin without written consent, except in situations where such reports are necessary for educational placement or for the student's health and welfare.
        - The school may not disclose information not originated by Boys' Latin (i.e. psychiatric reports, agency reports, etc.). The originating person or agency must disclose such information.
- ***Requests for Inspection and Disclosure:***

- Boys' Latin shall maintain a record, with the student's education record, of each request for access to and each disclosure of personally identifiable information. For each request or disclosure, the record must include the parties who have requested or received information and their legitimate interest. Exceptions include the parents, eligible student, school officials with legitimate educational interests, and 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 federal grand jury or other law enforcement.
- The CEO of Boys' Latin shall maintain a current listing of names and positions of those who are authorized to have access to personally identifiable information in the education records of all students.

The Storage and Destruction of Education Records:
Boys' Latin shall maintain education records for general education and special education students in a manner consistent with the regulations for FERPA in 34 CFR Part 99.

Relevant files that are stored in more than one location are regarded as part of the student's overall education records. At Boys' Latin, cumulative record folders are maintained in the Administration Building. The files of students obtaining special education services are maintained in the Administration Building and High School. Medical records are maintained in the nurse's offices at the Middle School and High School. Psychological test protocols and speech and language records are maintained in the Administration Building and High School. All records are confidential, secure, and made available only to authorized personnel with the approval of the CEO, Director of School Support Services, or the High School Director of Specialized Services or the Middle School Director of Specialized Services.

- ***Periodic Review and Deletion of Data:***
  - Parents shall be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. Prior to its destruction, Boys' Latin shall send written notification to the parent or eligible student which shall inform them of their right to receive a copy of material, originated by the school, to be destroyed. Parents or eligible students will be informed of material, not originated by the school (i.e. psychiatric reports, agency reports, etc.), to be destroyed. The originating person or agency must disclose copies of such information.
  - Upon request of the parent, personally identifiable information no longer needed must be destroyed, with the following exception: a permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
  - Except as stated above, nothing in this section shall be construed to mean that Boys' Latin is required to destroy education records.
  - No education records will be destroyed that contain information necessary of the education of the student who is enrolled.
- ***Longevity of Data:***
  - Administrative data shall be maintained by Boys' Latin for a period of at least 20 years beyond the date that the student attains the age of 22.
  - Professionals shall eliminate unnecessary supplementary data at periodic intervals. In any case, the student's medical record shall not be destroyed for a period of at least five years after the student ceases to be enrolled in Boys' Latin. Exceptions may be made where, under rigorous standards and impartial judgement, good cause for their retention can be shown.
  - The above practices regarding the longevity of data apply to the records of students who have graduated from Boys' Latin.
- ***Charter Surrender, Nonrenewal, or Revocation:***

- In the event the school's charter is surrendered, is not renewed, or is revoked, all student records maintained by the charter school will be forwarded to the student's district of residence.
- If the school's charter is nonrenewed, revoked, terminated, surrendered, and/or forfeited, the school will provide to the district prompt access to the complete paper and electronic student records and files for all current and past students, including IEPs, disciplinary records, and credits earned.

Amendment of Education Records:

- A parent or eligible student who believes that information contained in the education records collected, maintained, or used is inaccurate or misleading or violated the privacy rights of the student, may make a request to the Director of School Support Services that the records be amended.
- Boys' Latin shall decide whether to amend the information in accordance with the request within 10 business days from receipt of the request.
- If the school agrees to amend the disputed information, the parent or eligible student shall be notified in writing.
- If the school refuses to amend the information in accordance with the request, it shall inform the parent or eligible student in writing of the refusal, the reason(s) for that refusal, and their right to a hearing under FERPA, Sec. 99.21.

Hearing Rights and Procedures:

- Boys' Latin shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
- The hearing must meet, at a minimum, the following requirements:
  - The school shall hold the hearing within 20 business days after it has received the request for a hearing.
  - The school shall give the parent or eligible student notice of the date, time, and place of the hearing within five business days of the request.
  - The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.
  - The parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice, including an attorney, at their own expense.
  - The decision of the hearing panel shall be based solely upon the evidence presented and the hearing and shall include a summary of the evidence and the reasons for the decision. This decision will be rendered in writing within 30 days after conclusion of the hearing. A copy of the decision will be retained in the official student record.
- Hearing results:
  - If, as a result of the hearing, Boys' Latin decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the information accordingly and so inform the parent in writing.
  - If, as a result of the hearing, Boys' Latin decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent of the right place in the student's records, a statement commenting on the information or setting forth reasons for disagreeing with the decision. The statement must:
    - Be maintained as part of the records of the student as long as the contested portion is maintained.
    - Be disclosed, if the records of the student or the contested portion is disclosed to any party.

Parent Notification:

- Annually, parents will receive a description of their rights under FERPA and implementing regulations, including the right to:
    - Inspect and review the student's education records.
    - 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.
    - Be notified of the procedures for:
        - Exercising the right to inspect and review education records.
        - Requesting the amendment of records.
    - Consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA, Sec. 99.31 authorizes disclosure without consent to, for example, school official with legitimate educational interest.
    - File, with the United States Department of Education, a complaint concerning alleged failures by the school to comply with the requirements of FERPA.
- Upon request, parents may receive:
    - A description of the student on whom personally identifiable information is maintained, the types of information sought, the methods used to gather information (including the source), and the uses to be made of the information.
    - A summary of the policies and procedures regarding the storage, disclosure to third parties, retention, and destruction of personally identifiable information.
    - Specification of criteria for determining who constitutes school officials and what constitutes a legitimate educational interest.
    - A list of the types and locations of education records collected, maintained, or used by Boys' Latin.
- Boys' Latin shall provide effective notification to parents or eligible students identified as having a primary or home language other than English and to parents or eligible students who are disabled.

Safeguards:

- Boys' Latin shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- The CEO shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
- All persons collecting or using personally identifiable information must receive training or instructions regarding policies and procedures.
- Boys' Latin shall maintain, for public inspection, a current listing of the names and positions of those school employees who may have access to personally identifiable information.
- Students shall be afforded the right of privacy similar to those afforded to parents, taking into consideration the age of the student and type or severity of disability, if any.
- Parents and students who wish to file complaints with regard to compliance with this policy may do so by contacting the CEO.
    - If further appeal is necessary, the parent or eligible student may contact the Family Policy Compliance Office, U.S. Department of Education, 600 Independent Avenue, SW, Washington, DC 20202-4605, Phone: (202) 260-3887.
    - With regard to complaints concerning violation of privacy rights in special education, contact may be made to: Chief, Division of Compliance, Monitoring and Planning, Bureau of Special Education, Pennsylvania Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Implementation:

- The Director of School Support Services or designated personnel will screen all student records to eliminate any material in contradiction to this policy statement.

- Items removed from the file during the screening process will be destroyed.
- Upon adoption of this policy by the board.
    - Parents and eligible students will be notified annually of the policies and procedures.
    - Professional staff will be informed of this policy.
- The *Student Records and Confidentiality Policy* will remain on file and be available on the school's website or upon request.