



Student Records Privacy Policy Under FERPA

Definitions

A. 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 the school. Such information includes but is not limited to:

1. Date and place of birth, parent and/or guardian's address, and where the parties may be contacted for emergency purposes.
2. Grades, test scores, courses taken, academic specializations and school activities;
3. Special education records;
4. Disciplinary records;
5. Medical and health records;
6. Attendance records and records of past schools attended;
7. 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:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records maintained by a law enforcement unit of the school that were created by the law enforcement unit for the purpose of law enforcement;
3. Records relating to a school employee that are 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;
4. Records on a student who is 18 years of age or older, or is attending an 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 the remedial educational activities or activities that are part of the program of instruction at the school; or
5. Records that only contain information about an individual after he or she is no longer a student at the school.

B. Notice to Parents

At the beginning of each school year, in addition to the notice required for directory information, all St. HOPE Public Schools (St. HOPE Public School 7, Oak Park Preparatory Academy, and Sacramento Charter High School) shall provide parents and eligible students with a notice of their rights under

FERPA (Family Educational Rights and Privacy Act). The notice shall inform the parents and eligible students that they have the right to:

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 FERPA and the Code of Federal Regulations authorize disclosure without consent;
4. File with the Department of Education a complaint concerning alleged failures by the school to comply with the requirements of FERPA and its promulgated regulations;
5. Request that the 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. Assurances that SHPS will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.
4. A description of the types of student records maintained by the SHPS.

C. Parental and Eligible Student Rights Relating to Educational 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 Site Administrator. Within 45 days, the school shall comply with the request. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school will provide the parent or eligible student with a copy of the requested records or make other arrangements for inspection and review of the education records.

D. Copies of Education Records

The school will provide copies of requested documents within 10 business days of a request for copies. The school will charge reasonable fees for copies it provides to parents or eligible students, unless it effectively prevents a parent or eligible student from exercising the right to inspect and review the education records. The charge will not include a fee to search for or to retrieve the education records.

E. Request for Amendment to Education Records

If upon review, a parent or eligible student discovers any information or notation that is factually inaccurate, misleading or in violation of the student's right of privacy, he or she may request, in writing, that the school amend the record. The request must be submitted within thirty (30) days of the discovery of the inaccurate or misleading information or a violation of the student's right of privacy. The school will respond within a reasonably prompt period of time to the request. The school's response will be in writing and if the request for amendment is denied, the 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.

F. Hearing to Challenge Education Record

If the school denies a parent or eligible student's request to amend an education record, the parent or eligible student may request in writing that s/he 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 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 the school to the parent or eligible student no later than 20 days before the hearing.

The hearing will be conducted by the St. HOPE Public Schools Superintendent or his/her designee. 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 Superintendent's or his/her designee's decision will be based solely on the evidence presented at the hearing. Within 45 days of the conclusion of the hearing the 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, the St. HOPE Public Schools' Superintendent or designee determines that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, the school will amend the record accordingly and the parent or eligible student will be informed of the amendment in writing.

If, as a result of the hearing, the St. HOPE Public School's Superintendent or designee decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, parent or eligible student shall be informed of the 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 the St. HOPE Public School's designee 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.

Disclosure of Education Records and Directory Information

St. HOPE Public Schools must have a signed and dated written permission 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. With the exceptions listed below, St. HOPE Public Schools will not release educational records to any person or entity outside the St. HOPE Public Schools without the written consent of a parent or eligible student. 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. 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 this not otherwise subject to release, SHPS shall not release the information.

St. HOPE Public Schools will only disclose personally identifiable information on the condition that the receiving party not disclose the information to any party without the prior consent of the parent or eligible student and that the receiving party use it for the purpose for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below and St. HOPE Public Schools 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, St. HOPE Public Schools 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.

St. HOPE Public Schools employees may disclose education records, without consent, to the following parties:

1. St. HOPE Public School employees who have a legitimate educational interest as defined by 34 CFR 99;
2. Other schools to which a student seeks or intends to enroll;
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 to a student's application for, or receipt of, financial aid to a student 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 St. HOPE Public Schools 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 Code of 1986;
8. Individuals who have obtained lawful court orders or subpoenas;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile 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 the School with respect to that alleged crime or offense. St. HOPE Public Schools may disclose the final results of the disciplinary proceeding, regardless of whether the School concluded a violation was committed.

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

No exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena. St. HOPE Public Schools shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA).

SHPS 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 SHPS official about the information request.

- Provide students and families with appropriate notice and a description of the immigration officer's request.
- Document any verbal or written request for information by immigration authorities.
- Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Directory Information

“Directory information,” which is defined as set forth below, may be released to requestors in limited circumstances, without additional notice to parents/guardians, unless parents/guardians “opt out” of such disclosures, in writing.

SHPS shall provide an annual notice to parents and guardians, and eligible students in attendance, of the SHPS directory information policy that includes:

- The categories of information that SHPS has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).
- A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the [local educational agency] receives consent as required under state law).
- The recipients of the directory information.
- A description of the parent's or guardian's abilities to refuse release of the student's directory information, and how to refuse release.
- The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information (“opt out”).

State and federal law allow directory information to be disclosed to any requestors, except those who intend to use the information for commercial purposes. SHPS will not release directory information to any requestor, for any purpose, without specific prior parent/guardian consent in each situation, EXCEPT we will release such information to requestors that engage in political advocacy or information dissemination related to California charter schools.

SHPS has designated the following information as directory information:

- Parents'/guardians' names;
- Address;
- Electronic mail address;
- Phone number;
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Degrees, honors, and awards received; and
- The most recent educational agency or institution attended

Record Keeping Requirements

The 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 the school in accordance with 34 CFR 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 the school and the legitimate interest that each of the additional parties has in requesting or obtaining the information.

These record keeping requirements do not apply to requests from or disclose to parents and eligible students, 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, school officials (or their assistants) responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of the school.

CCSA

1. Student education records will be maintaining in part on behalf of the school by the CCSA (California Charter Schools Association) and its contractors in order to provide student data in usable form to the school for research and analysis in order to evaluate and improve instructional programs at the school, to plan educational interventions needed by individual students, and to track student progress over time;
2. Employees, and employees of contractors, of CCSA will be deemed school officials for the purpose of access to personally identifiable information derived from student education records only if they have a legitimate interest in maintaining, organizing, or analyzing the data for research or study purposes to benefit instruction at the school and at other schools that participate in the CCSA and to track students' progress over time, consistent with 34 CFR 99.7;
3. Personally identifiable information derived from students' education records and maintained by CCSA will not be further disclosed to third parties, except to an organization performing a study to benefit instruction on behalf of the school, subject to conditions in the Family Educational Rights and Privacy Act.

Complaints

Parents and eligible students have the right to file a complaint with the U.S Department of Education concerning alleged failures by the 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**