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<input type="checkbox"/> Community Relations <input type="checkbox"/> Administration <input type="checkbox"/> Business Procedures <input type="checkbox"/> Community Operations <input type="checkbox"/> Personnel <input checked="" type="checkbox"/> Students <input type="checkbox"/> Instruction	

SUBJECT: Student Records: Access and Challenge

Health Sciences Charter School (HSCS) shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions: "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18); or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education" have a right to inspect and review any and all education records maintained by the school.

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to: handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff on the other hand, are not considered education records if they are:

- Kept in the sole possession of the maker;
- Not accessible or revealed to any other person except a temporary substitute; and
- Used only as a memory aid.

Additionally, FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records. Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Access to Student Records

Health Sciences Charter School directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education. Student records and files on students to ensure the confidentiality of such records with respect to third parties include:

- If the student is claimed as a dependent for Federal income tax purposes by either parent;
- In connection with a health or safety emergency;
- If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or
- If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Custodial or Noncustodial Parents

Release of Health Sciences Charter School students in attendance at programs housed in buildings under the administrative control of Health Sciences Charter School component school districts and access to their educational records shall be in accordance with the applicable policies and or procedures of the particular component school district.

In the event that the component school district has not adopted a policy or procedures on release of students or access to educational records by custodial & noncustodial parents, then HSCS staff shall act in accordance with the following:

- Health Sciences Charter School may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Release of Information to another Educational Institution

Health Sciences Charter School may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA to another school or post-secondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, HSCS must provide a copy of the information disclosed and an opportunity for a hearing.

Under FERPA, unless otherwise exempted in accordance with law and regulation, Health Sciences Charter School may release personally identifiable information contained in student records only if it has received a signed and dated written consent from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature 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.

Health and Safety- Emergency Exception

Health Sciences Charter School must balance the need to protect students' personal and identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant

threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency.

Health Sciences Charter School may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. Health Sciences Charter School's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances including the information available at the time the determination is made. Health Sciences Charter School must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

Challenge to Student Records

Parents/Guardians of a student under the age of eighteen (18) or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education shall have an opportunity for a hearing to challenge the content of the school records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Disclosures of Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education), an educational agency or institution may disclose education records to an eligible student's parents without the student's consent.

Supporting Procedures:

Student Handbook

Related Laws, Regulations & Acts:

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232g 34
Code of Federal Regulations (CFR) Part 99

Adopted: 02/13/2014

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