

CCCS Student Records Policy

CHRISTOPHER COLUMBUS CHARTER SCHOOL
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A Title I School



Christopher Columbus Charter School
Student Records Policy

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School Year

CCCS Student Records Policy

CHRISTOPHER COLUMBUS CHARTER SCHOOL STUDENT RECORDS POLICY

I. Introduction

The educational interests of students and of society require the collection, retention, and use of information about individuals students and groups of students. The welfare and progress of students is inextricably related to the maintenance of a thorough and efficient system of schools; the latter cannot be achieved nor assessed in the absence of appropriate information about the former.

It is no less the interest of society to protect the right of each of its members against an unwarranted invasion of privacy. The primary purpose of student recordkeeping shall be the educational welfare and advancement of the students.

The Board of Christopher Columbus Charter School ("CCCS") has primary responsibility for the compilation, maintenance, access to, and security of student records. The staff only may compile records mandated by the Commonwealth, the federal government, or specifically permitted by this policy.

The CCCS Chief Executive Officer/Campus Principal may prepare further specific guidelines related to student records other than directory information. The guidelines shall conform to this policy, the federal guidelines implementing the Family Educational Rights and Privacy Act, the Individuals With Disabilities Education Act, the Americans With Disabilities Act and applicable Pennsylvania statutes and regulations pertaining to regular education and special education students. The guidelines may include provisions for:

1. The specific student records which may be collected.
2. Proper safekeeping, custodianship and administration of student records.
3. Access of students and parents or guardians to records.
4. Access of third persons or agencies to records.
5. Periodic review of the contents of student records.
6. Procedures for parental or student challenges to the content of student's records.
7. Schedule for the retention and destruction of student records.
8. Reproduction of student records by a qualified viewer.

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9. Procedures for student records to be transferred within CCCS.
10. The circumstances under which student records are excluded from this policy, including data for a professional's own reference or data which is not individually identifiable.

II. Definitions

The following definitions are provided for the purpose of interpretation and implementation of this policy:

Dates of Attendance – means the period of time during which a student attends or attended CCCS as defined by the regulations to the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g.

Destruction – means the physical destruction or permanent removal of personally identifying data from the educational records of a student so that the information in those records is no longer personally identifiable.

Directory Information - means information contained in an educational record of a student that would not generally be considered harmful or an invasion of privacy if disclosed, and includes, but is not limited to, the following information relating to a student: the student's name, electronic personal identifier (as provided by FERPA), address, telephone number, electronic mail address, photograph, date and place of birth, major field of student, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, degrees and awards received, the most recent previous educational agency or institution attended by that student, and other similar information. The use of a student's social security number for identification purposes when disclosing or confirming directory information is prohibited unless the student has provided written consent for that disclosure.

Dissemination or Disclosure – means permitting access to or the release, transfer or other communication of the education records of a student, or the personally identifiable information contained therein, orally or in writing, or by electronic or any other means, to any party.

Education Records or Educational Records – those records that contain personally identifiable information directly related to a student and are maintained by CCCS or by a party acting for CCCS. It can be recorded in any form, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Educational records also include records of a student receive special education services, medical and health records and post-enrollment records pertaining to a student's prior attendance in CCCS.

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The term does not include:

1. Records of instructional, supervisory and administrative personnel and ancillary personnel, which are in the sole possession of the maker and are not accessible or revealed to another individual, except a substitute. A substitute is an individual who performs, on a temporary basis, the duties of the individual who made the record, and does not refer to an individual who currently succeeds the maker of the record in his/her position.
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of 34 C.F.R. § 99.8.
3. Records relating to an individual who is employed by the educational agency or institution, that:
 - a. Relate exclusively to the individual in that individual's capacity as an employee.
 - b. Are not available for use for any other purpose.

Note: records relating to an individual in attendance at the agency or institution who is employed as a result of his/her status as a student are education records.

4. Records that only contain information about an individual after s/he is no longer a student at the agency or institution.

Eligible Student or Student - means a student who has attained eighteen (18) years of age, is attending an institution of postsecondary education, or is a legally emancipated minor. All rights accorded to and consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the eligible student. In cases where an eligible student is dependent upon the parent/guardian as defined in Section 152 of the Internal Revenue Code, the school will make the education records accessible to the parent/guardian of said student.

Legally Emancipated Minor - a person below the age of twenty-one (21) who has chosen to establish a domicile apart from the continued control and support of his/her parents/guardians. A minor living with a spouse is deemed emancipated.

Parent - includes a parent, a guardian or an individual acting as a parent of a student in the absence of a parent/guardian. CCCS will presume that a parent has the authority to exercise the rights inherent in this policy unless CCCS has been provided with evidence that there is a state law or court order governing such matters as divorce, separation, or custody, or a legally binding instrument which provides to the contrary.

Personally Identifiable - means the data or information includes, but is not limited to:

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1. The name of a student, the student's parents/guardians, or other family member.
2. The address of the student.
3. A personal identifier, such as the student's social security number, or a student number.
4. A list of personal characteristics which would make the student's identity easily traceable by a person not already familiar with the student's identity or other information which would make the student's identity easily traceable.

Pupil or Student - Any student who is or has been in attendance about whom CCCS maintains an educational record or personally identifiable information.

III. Collection Of Records

By their approval of this policy, the CCCS Board provides representational consent of parents/guardians and eligible students for the collection of basic identifying information and the administration of aptitude and achievement tests. Annually, the Board shall approve a testing program that shall be made known to parents/guardians and eligible students through the CCCS calendar.

Parents/Guardians and eligible students shall be notified annually of:

1. The policies and procedures of CCCS regarding student education records.
2. The data collected through representational consent.
3. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
4. The conditions for disclosure or dissemination of information.
5. The rights and procedures for parents/guardians or eligible students:
 - a. To access education records.
 - b. To seek an amendment of the student's education records that the parent/guardian or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
6. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Family Educational

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Rights and Privacy Act and 34 C.F.R. § 99.31 authorize disclosure without consent.

7. The right to file with the Department of Education a complaint under 34 C.F.R. §§ 99.63-99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Family Educational Rights and Privacy Act and 34 C.F.R. § 99.7.

The student or parent/guardian may submit a disclaimer concerning the appropriateness or validity of any material in the file. Such statement shall be dated, signed, and kept in the file as long as the material it concerns remains in the file. The appeal process outlined in this policy shall apply for this purpose.

IV. Security And Privacy of Records

CCCS shall be responsible for education record maintenance and access and for the education of staff about maintenance and access policies. The building principal is responsible for implementing the policy concerning student education records in the building. All school personnel having access to education records should receive periodic training in security, with emphasis upon privacy rights of students and parents/guardians.

Records are to be kept secure at all times under the supervision of the building principal or specific designee.

In addition to the submission of a disclaimer, a parent/guardian or eligible student has the right to challenge the validity or appropriateness of any information in the education record and request that such information be corrected or deleted.

A parent/guardian or eligible student who believes that information in education records collected, maintained or used by CCCS is inaccurate or misleading or violates the privacy or other rights of the student, has the right to request that the building principal amend the information under the following procedures:

1. The parent/guardian or eligible student shall submit, in writing, to the building principal a request for amendment which shall include a brief statement which specifies the record(s) to be amended and the reason that an amendment is requested.
2. The building principal shall decide whether to amend the information in accordance with the requests of the parent/guardian or eligible student within a reasonable

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time period after receipt by the principal of the request to amend, but not more than fifteen (15) days.

3. If the building principal decides to amend the information in accordance with the request, the principal shall notify the CEO/Campus Principal or designated agent. After approval by the CEO/Campus Principal, the building principal shall notify the parent/guardian or eligible student, in writing, of the decision to amend the record.
4. If the building principal decides to refuse to amend the information in accordance with the request of the parent/guardian or eligible student, the principal shall inform the parent/guardian or eligible student, in writing, of both the refusal and the specific reason(s) for the refusal, and shall notify the parent/guardian or eligible student, in writing, of their rights to request and receive a hearing.

If the parent/guardian or eligible student, upon receiving written explanation from the principal, still feels a need to challenge information in the education record, the parent/guardian or eligible student shall, upon written request to the CEO/Campus Principal, be granted a hearing in accordance with the following provisions:

1. The hearing shall be held at a mutually agreed upon time and place within a reasonable time of receiving the written request, but not more than thirty (30) days. The parent/guardian or eligible student shall be given notice of the date, place and time within a reasonable time period in advance of the hearing, but not less than ten (10) days in advance of the hearing.
2. The CEO/Campus Principal or designee, who shall not have a direct interest in the outcome, shall conduct the hearing. Under no circumstances will the building principal who initially received the request for amendment of the record be involved in the hearing process other than to offer testimony.
3. The parent/guardian or eligible student may be represented by counsel at their own expense and will be afforded a full and fair opportunity to present evidence.
4. Within a reasonable period of time after the conclusion of the hearing, but not more than thirty (30) days, the CEO/Campus Principal or designee will make his/her decision based solely on the evidence presented at the hearing and will include a summary of the evidence and reasons for his/her decisions.
5. If, as a result of the hearing, the CEO/Campus Principal or designee decides to amend the record, s/he shall so notify the parent/guardian or eligible student, in writing.
6. If, as a result of the hearing, the CEO/Campus Principal or designee decides not to amend the information, then s/he shall inform the parent/guardian or eligible

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student, in writing, of their rights to place in the education record a statement which sets forth the written comments of the parent/guardian or eligible student upon the information in the education record, or reasons(s) for disagreeing with the decision of CCCS, or both written comments and reasons.

7. The statement of the parent/guardian or eligible student shall be appended by the CEO/Campus Principal or designee to the education record so long as the record or the contested portion thereof is maintained by CCCS.
8. If the education record of the student or the contested portion thereof is released to any party, the statement of the parent/guardian or eligible student shall also be released to the party.

A parent/guardian or eligible student also has the right to file complaints concerning acts of noncompliance with this policy by contacting the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202-5920.

V. Dissemination Or Disclosure

The school may, without the consent of the student or parent/guardian, release personally identifiable information from an educational record of a student to:

1. Members of the professional staff and their clerical support (including teachers, guidance counselors, school psychologists, home school visitors, administrative personnel, and confidential secretaries) that have a legitimate education interest. CCCS shall use reasonable methods to ensure that only those persons having a legitimate educational interest shall have access to educational records. A person having a legitimate education interest shall consist of:
 - a. School officials, including teachers, within CCCS whom CCCS has determined to have legitimate educational interests through the provision of instruction or services to the Student.
 - 1) A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:
 - (a) Performs an institutional service or function for which the agency or institution would otherwise use employees;
 - (b) Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and

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- (c) Is subject to the requirements of Sec. 9933(a) governing the use and re-disclosure of personally identifiable information from education records.
 - b. Person(s) providing support services to the student.
 - c. Appropriate authorities in a health/safety emergency after consideration of the seriousness of the threat, the need for the information to meet the emergency, the position of the requesting party to deal with the emergency, and the extent to which time is of the essence in meeting the emergency, based on the totality of the circumstances.
 - d. Persons serving on the School Board when such interest arises out of a specific issue subject to Board consideration.
- 2. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, and state or local educational authorities subject to the requirements of 34 C.F.R. § 99.35.
- 3. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
 - a. Determine eligibility for the aid.
 - b. Determine the amount of the aid.
 - c. Determine the condition for the aid.
 - d. Enforce the terms and conditions of the aid.

Financial aid is defined as a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

- 4. State and local officials or authorities to whom information is specifically allowed to be reported or disclosed pursuant to:
 - a. State statute adopted prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
 - b. State statute adopted after November 19, 1974, subject to the requirements of 34 C.F.R. § 99.38.

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5. Officials of other primary, secondary, or postsecondary schools in which the student is presented for enrollment or intends to enroll, provided the parent/guardian or eligible student, in advance of the transfer, is notified of the transfer and has an opportunity to challenge the record and to receive a copy of the record if so desired in accordance with 34 C.F.R. § 99.35. (Annual notice prior to the beginning of the school year shall be given to parents/guardians or eligible students regarding their rights in cases of transfer of records without consent. This annual notification to parents/guardians shall be considered sufficient to meet the intent of record transfers to other educational agencies.) CCCS shall have the right to supplement, update or correct any educational records which were previously sent to officials of a school in which student is presented for enrollment or seeks to enroll.
6. Agents or agencies conducting educational research who may request group data, provided:
 - a. The project is approved according to CCCS' policies and guidelines pertaining to research activities.
 - b. The study is conducted in a manner that does not permit personal identification of the parents/guardians and students by individuals other than representatives of the organization.
 - c. The information is destroyed when no longer needed for the purposes for which the study was conducted.
7. The disclosure is to accrediting organizations to carry out their accrediting functions.
8. The disclosure is to parents/guardians, as defined in 34 C.F.R. § 99.3, of a dependent student, as defined in Section 152 of the Internal Revenue Code.
9. The disclosure is to the parent/guardian of a student who is not an eligible student or to the student.
10. The disclosure is information the educational agency or institution has designated as "directory information."
11. CCCS is required to provide military recruiters with students' names, addresses and telephone numbers unless a parent/guardian/eligible student has opted out of providing such information and parents/guardians/eligible students are notified of the disclosure and opt out procedures.

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12. Appropriate officials if information contained in the educational records is necessary to protect the health or safety of the students or other individuals.
13. The disclosure is to comply with a judicial order or subpoena. A reasonable effort must be made to notify the parent/guardian or eligible student of the order or subpoena in advance of compliance unless disclosure is in compliance with:
 - a. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena not be disclosed.
 - b. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
14. If an educational agency or institution and a parent/guardian or student are involved in a legal action against each other, the educational agency or institution may disclose to the court, without a court order or subpoena, the educational records that are relevant to the case.
15. If CCCS reports a crime committed by a student with a disability, CCCS must ensure copies of the special education and disciplinary records of the student are transmitted to the appropriate authorities to whom the school reported the crime to the extent permitted by FERPA.
16. The disclosure is to the United States Attorney General in accordance with an ex parte order issued under the Patriot Act, 18 U.S.C. § 16 et seq.
17. The disclosure is required under Section 170101 of the Violent Crime Control and Enforcement Act of 1994, 42 U.S.C. § 14071, and applicable regulations related to a student who is required to register as a sex offender in a state.

Other than as prescribed above, no information from a student education record may be divulged to a third party, except with written consent of the eligible student or the parent/guardian (if the student is a dependent) specifying records to be released, to whom, for what purpose, and with a copy of the records to be released to the consentor, if desired. CCCS shall at all times use reasonable measures to identify and authenticate those persons and/or entities to whom educational records are disclosed.

Each matter of request for consent must be handled separately; for example, blanket permission for release of data within an extended period of time may not be solicited since it, by definition, does not provide an opportunity for informed consent.

CCCS will annually designate certain personally identifiable information as directory information. Directory information on former students or students currently enrolled may

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be disclosed for purposes beneficial to the student or CCCS and only with the approval of the CEO/Campus Principal. It shall not, however, be the policy of the CCCS to prepare annually and maintain file lists of directory type information for disclosure purposes.

The parent/guardian or eligible student has the right to refuse the disclosure or dissemination of any or all types of directory information by giving CCCS written notice within twenty (20) days of publication of the notice. Parents/Guardians or an eligible student shall be given public notice relative to this right at the beginning of the school year. The opt-out of a student of the disclosure of directory information does not prohibit CCCS from identifying the student by name or from disclosing a student's electronic identifier or institutional email address in class. Additionally, CCCS shall comply with the opt-out request of a former student which was made while the student attended school at CCCS.

The parent/guardian of a dependent student may have access to all education records. The same access is extended to eligible students and former students who are legally emancipated.

Requests by a parent/guardian or eligible student to inspect and review the education record of a student or to have a designated representative inspect and review the education record of a student are to be directed to the principal of the building in which the student is enrolled or to the CEO/Campus Principal for the access to inactive records (graduates and withdrawals). Access shall be granted within a reasonable period of time not to exceed forty-five (45) days and shall be in the presence of the principal or a designated agent for the purposes of security and assistance in explaining or interpreting the data. Below are the locations of education records:

1. Active student education records of regular students are available in the building in which the student is enrolled. Copies of the records will be provided to the parent/guardian or eligible student upon written request at a fee not to exceed duplication costs.
2. Active records of exceptional students receiving special education services are available at the following locations, depending on the nature of the information and its relative need in the daily educational activities of the student:

Building In Which The Student Is Enrolled -

Permanent administrative records, including:

- a. Name and birth date.
- b. Names and addresses of parents/guardians.

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c. Academic work completed and level of achievement, e.g., final transcript and standardized test scores.

d. Attendance data.

e. Health records.

Special Education Department –

Evaluation, psychological, psychiatric, and neurological reports, Individualized Education Programs, and all other reports of a similar nature relative to an exceptional student's special educational program.

3. Records of graduates and withdrawals of students are available at the school they last attended. Request forms for release of inactive student information from graduate or withdrawal files maintained by the last school the student attended shall be signed by a parent/guardian, or eligible student. A copy of this request will be maintained by the school. Special education records for students graduated or withdrawn are available at the special education office.

Once student education record information has been released to an agency or person outside CCCS, as prescribed above, CCCS can no longer be exclusively responsible for the confidentiality of the information.

There shall be maintained, for each active student, a record of access to and release of the student's education record. This shall be available to the parent/ guardian of dependent students or to eligible students and to CCCS as a means of auditing the operation of the system. The record of access is not meant to include entries by the primary users and custodians of student records designated by the CEO/Campus Principal or building principal. Specifically, this includes teachers, school counselors, and authorized clerical staff.

Copies of student records will be provided to the parents/guardians of a student or to an eligible student at a cost in accordance with CCCS procedures.

VI. Maintenance And Destruction Of Information

CCCS shall maintain the educational records of all its students consistent with this policy. Parents/Guardians and eligible students shall be informed of these records and their right of access to the data as described in this policy.

CCCS' electronic mail server or servers, or directory or directories, and the files on local disk drives which are dedicated to the storage of sent or received electronic mail, shall not for any purpose constitute a student records maintenance site; and any mail stored thereon shall be deleted or moved to a student records maintenance site regularly and at least once annually.

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Staff members may create and maintain personal and confidential notes and other memory aids that exist solely for their own use arising out of counseling students. Such private notes are not to be made a part of the student's permanent or cumulative record, and are not to be released to others, and must be destroyed when they no longer serve a useful purpose to the staff member or when the student or professional leaves the school or school system. Such notes are considered to be the personal property of the professional if created and maintained solely for their own use and shall be guarded by the tenets of professional ethics.

However, all staff, including but not limited to guidance counselors, are required to promptly record any information received from a student, whether made in confidence or not, when the health, welfare or safety of the student or other persons is clearly in jeopardy. The recording of such information shall not be in private notes described above. The CEO/Campus Principal and Building Principals shall at all times have full access to all records of such health, welfare and safety information. Staff who become aware of such health, welfare and/or safety information as identified in this paragraph shall promptly report such information to the CEO/Campus Principal or the Building Principal. All staff are strongly encouraged to consult with the Building Principals if they have any question about what information may constitute health, welfare and/or safety information that must be recorded and reported.

Potentially useful information may be maintained on a student which would include: unevaluated reports of teachers, counselors or others; student performance on classroom based assessments; student work samples; student data summarized in a permanent record; and discipline records not of a serious nature. Such records are not made part of the student's permanent educational records and are destroyed without consent when they no longer serve a useful, educational purpose to the staff.

CCCS shall inform the parents/guardians or eligible student when personally identifiable information in the records of the student is no longer relevant to and necessary for the provision of educational services to the student.

Upon written request of the parent/guardian or eligible student, information no longer relevant to and necessary for the provision of educational services to the student shall be destroyed by CCCS.

However, a written record, or electronic copy of the same, including a student's name, address, phone number, grades, attendance records, classes attended, grade level completed and year completed shall be maintained for at least one hundred years beyond the date the student attains the age of twenty-one (21). Information for special education students shall be maintained for at least one hundred years beyond the date the student attains the age of twenty-one (21) including the most recent IEP, NOREP/NORA, and initial multi-disciplinary evaluation.

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Prior to the destruction of educational records referred to in this policy, CCCS shall provide written notification to the parents/guardians, which shall inform the parents/guardians of their right to receive a copy of the material to be destroyed at a fee not to exceed duplication costs.

No education record containing information necessary for the education of a student who is enrolled or has been enrolled in an education program operated by CCCS shall be destroyed except as outlined in this policy.

Nothing in this section, except as stated above, shall be construed to mean that CCCS is required to destroy education records.

CCCS shall not destroy any education records if there is an outstanding request to inspect and review the records.

VII. Policy Interpretation And Construction

This policy shall not be construed to impose upon CCCS any obligation or duty not otherwise imposed by law.

Failure to conform to the requirements of this policy shall not be used against CCCS, unless that failure causes a substantial violation of the privacy or other legal rights of the student, or his/her parents/guardians.

This policy shall be construed as consistent with all applicable state and federal laws. When a requirement of law cannot be reconciled with a provision of this policy, the requirement of law shall supersede and nullify the provision of this policy and shall be considered the policy of CCCS.

ADDENDUM:

As we continue our collaborative efforts, CCCS, along with the PA Department of Public Welfare and the PA Department of Education are issuing joint cooperation with regard to the recently enacted Uninterrupted Scholars Act (P.L. 112-278). On January 14, 2013, the Uninterrupted Scholars Act made key revisions to FERPA that will make it easier for child welfare agencies to access education records. The amendment creates an exception under FERPA whereby an agency caseworker may access educational records without having to obtain parental consent or obtaining a court order.

This exception applies to children in the care of a public agency for legal custody placed in out-of-home care, voluntary placement agreement, shared case responsibility, or adjudicated dependent.

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It is the position of both departments that the individuals who can obtain education records under this exception, specifically those who can have the right to access the child's case plan, includes the following:

- The child's caseworker from the public children and youth agency
- The child's caseworker from a private children and youth agency with whom the public agency contracts;
- The supervisors and managers of such agencies.

In order to obtain a student's records, proof of relationship with the child must be provided, in the form of court order or written notification on agency letterhead indicating that the agency has legal custody or it is legally responsible for the care and protection of the child.

The records pursuant to this exception may not be disclosed to any other person or entity unless those persons or entities are engaged in addressing the student's educational needs and authorized by the welfare agency or organization to receive such disclosures. Child welfare agencies have a continuing obligation to work collaboratively with families and their LEAs to address the educational needs of children in dependent care. The amendment does not usurp the rights of a student's parent to make other decisions regarding the child's educational records, nor does it place the child welfare agency in the role of parent or educational decision maker. It merely allows the agencies to obtain records in a more timely and efficient manner. As a result, the child welfare agency representative should explain to the parent and to the school entity that provides the records that, while the agency will have access to the records, the parent still maintains the right to access the records directly from the school and the right to make decisions about the child's education. The child welfare worker should also make every effort to keep parents informed and involved in the child's education.

In addition, the Uninterrupted Scholars Act, also provides that, in cases where a parent is party to a proceeding involving child abuse or neglect, or dependency matter, and a court order is issued authorizing the disclosure of educational records, additional notice need not be provided to the parent by the educational agency before educational records are released.

Revised as of August, 2018