

## Family Educational Rights and Privacy Act (FERPA) Policy

The purpose of FERPA is to ensure that parents and guardians and students have meaningful access to their education records (and that those records are accurate) while at the same time limiting access and release of such records to others. FERPA carries out its purposes by requiring all schools that receive federal funds to:

- gain prior written consent of parents/guardians before releasing the education records of their children (or any personally identifiable information contained in those records), except in certain circumstances specified in the statute;
- allow parents/guardians to inspect, review, and obtain copies of the education records of their children;
- allow parents/guardians to challenge the contents of such records on the basis that they are inaccurate, misleading or in violation of the student's privacy rights; and
- allow parents/guardians to object to the publication of directory information by requiring a school to give parents/guardians notice and a reasonable time to object to publication.

The Individuals with Disabilities Education Act (“IDEA”) requires additional safeguards for records relating to students with disabilities. Many of these safeguards overlap and are intertwined with the more general requirements of FERPA.

Education records will be stored in a central location with access limited to designated members of the administration. Exceptions to central storage include those records kept by individual teachers that are used by that teacher only, e.g., a grading book or required personal copy of an Individualized Education Program (IEP), IEPs kept by Special Education Coordinators and health records kept by the school nurse. These may be kept in individual classrooms or other areas as long as they are secured. All records covered by FERPA and the IDEA will be stored with Form V0006 – Record of Access for recording individuals who have had access to a student's education records. All employees will annually sign Form V0002 – Confidentiality Policy for School Employees.

The following Vertus Charter School Employees have complete access to student records and are exempt from signing Form V0006 – Record of Access:

- CEO
- Chief Operating Officer

The following Vertus Charter School Employees have complete access to IEPs records and are exempt from signing Form V0006 – Record of Access:

- CEO
- Chief Operating Officer
- Special Education Coordinator

The following Vertus Charter School Employees have complete access to medical records and are exempt from signing Form V0006 – Record of Access:

- CEO
- Chief of External Affairs
- Chief Operating Officer
- Special Education Coordinator

**A. Procedures for granting access to records to parents/guardians or their authorized representatives.**

Parents/guardians have the right to inspect and review all records relating to their child that the school collects, maintains, or uses regarding the identification, evaluation, and educational placement of the child. (20 U.S.C. § 1232g(a)(1)(A)). Parents/guardians of disabled children also have the explicit right to have a representative inspect and review the records. (34 C.F.R. § 300.562(b)(3)). In addition, parents/guardians of disabled children have the right to obtain explanations and interpretations of their children's education records, so long as such requests are reasonable. (34 C.F.R. § 300.562(b)(1)).

When a parent /guardian requests a record, it will be provided to him or her no later than 45 days from the date of request. If the request for a record is connected to a meeting of a committee on special education (CSE) or to an IDEA related due process hearing, the school must provide the requested record prior to such meeting or hearing, or within 45 days, whichever period is shorter. (34 C.F.R. § 99.10 and 34 C.F.R. § 300.562(a)).

The school may charge a reasonable fee for copying records requested, unless such fee would effectively prevent the parents/guardians from exercising his or her rights under FERPA and/or IDEA. The school may not charge a fee to search for or retrieve records. (34 C.F.R. § 99.11 and 34 C.F.R. § 300.566).

In order to ensure the confidentiality of records as well as a timely response to parental/guardian requests for review of records, the school will designate a member of the administrative staff to be in charge of handling all requests for education records (whether those requests come from parents/guardians or any other individual or entity). (34 C.F.R. § 300.572(b)).

Parents/guardians may request access to their child's education records using Form V0001 – Request to Review Records. When access is requested, the school will take the following actions:

- grant the Operations Associate or staff member designated to oversee compliance with FERPA and the confidentiality provisions of the IDEA exclusive authority to handle requests and to consult as needed with the school's attorney;

- require that all requests for review of student records (by parents/guardians or anyone else) be appropriately received in writing;
- establish a master calendar (with a tickler system) to track each request in order to ensure that requests from parents/guardians are handled in a timely fashion and within the 45 day period allotted to schools;
- check that individuals who identify themselves as parents/guardians in fact carry such status; and
- make available to staff and others a supply of forms for use in requesting education records.

**B. Procedures for obtaining parental/guardian consent for the release of education records or personally identifiable information**

With a number of limited exceptions, parents/guardians must give their consent before any education records or personally identifiable information can be disclosed by a charter school. (34 C.F.R. § 300.571). NOTE: “Personally identifiable information” means information that includes: (a) the name of the child, parent/guardian, or other family member; (b) the address of the child; (c) a personal identifier number (such as the child's social security number or student number); or (d) a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. *See*, 34 C.F.R. 300.500(b)(3).

The situations in which a school need not obtain parental/guardian consent are specified under FERPA and are quite detailed (20 U.S.C. § 1232g(b)(1)-(2); 34 C.F.R. § 99.30-31). They include, but are not limited to, the following individuals or entities:

- to state and local educational authorities, (34 C.F.R. § 99.31(a)(3)(iii)), including, but not limited to the Charter Schools Institute and State Education Department, subject to the requirements of 34 C.F.R. § 99.35;
- to officials of another school in which the student seeks or intends to enroll (34 C.F.R. § 99.31(a)(2) if certain prior conditions are met as set forth in 34 C.F.R. § 99.34);
- in response to a judicial order or subpoena (though a parent/guardian should be notified prior to disclosure in order to permit the parent/guardian to seek judicial relief) (34 C.F.R. § 99.31(a)(9)(i)); and
- to other school officials, including teachers, whom the school has determined to have legitimate educational interests. (34 C.F.R. § 99.31(a)(1)).

The Chief Executive Officer will review requests for access from anyone other than a parent/guardian before disclosing any education records or personally identifiable information.

Where parent/guardian consent is required, such consent will be requested in writing on Form V0003 – Consent for Release of Student Information.

### **C. Directory Information**

In contrast to general education records (which cannot be disclosed in most instances without the affirmative consent of a parent/guardian), FERPA permits the disclosure of certain categories of what is known as "directory information," i.e., name, age, address, etc., without specific permission from the parents/guardians having been obtained. (NOTE: The regulations to FERPA define "directory information" as that information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. (34 C.F.R. 99.3).)

However, while permission is not required, the school must give a parent/guardian the opportunity to object or opt out. Parents/guardians are given the opportunity to object to disclosure using Form V0004 – Notice of Intent to Disclose Directory Information.

### **C. Annual FERPA notification**

Vertus Charter School will notify annually parents/guardians of their legal rights under FERPA, as well as the right to file a complaint for failure to comply with FERPA. (34 C.F.R. § 99.7). The required information to be provided to parents/guardians is found in Form V0005 – Annual Notification.

### **D. Requests for Amendments to Records**

If a parent/guardian believes the information in their child's records is inaccurate or misleading or that information in the records violates the child's right to privacy or other rights, the parent/guardian may request that the school amend it. The school must then decide, within a reasonable period of time, whether to amend the information. If the school decides to not to amend the information as requested, it must inform the parent/guardian of this decision, and advise of right to a hearing. (34 C.F.R. § 99.20 and 34 C.F.R. § 300.567).

**Form V0001**

**Request to Review Records**

Pursuant to the Family Educational Rights and Privacy Act and/or Part B of the Individuals with Disabilities in Education Act, the following form must be completed whenever a person other than a school official with a legitimate educational interest makes a request to review student records. Persons required to complete this form include parents/guardians of students enrolled in the school.

Please note that unless otherwise provided by law, access to student education records will only be granted upon receipt of the written permission of a student's parent or legal guardian.

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**To be completed by requestor:**

Date of request: \_\_\_\_\_

Name of student and/or ID number: \_\_\_\_\_

Name of requestor: \_\_\_\_\_

Requestor's affiliation or relationship to student: \_\_\_\_\_

Reason for request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of records requested to be reviewed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby agree to keep the information disclosed to me confidential according to all applicable laws and regulations.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**To be completed by school personnel:**

Status of request: Approved  Denied

Reason for approval or denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

School official approving/denying request: \_\_\_\_\_ (Print Name)  
\_\_\_\_\_ (Signature)  
\_\_\_\_\_ (Date)

Materials reviewed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were copies of materials provided? Yes  No

Is this a request by a parent/legal guardian? Yes  No

If yes, records must be provided within 45 days of the request.

Are these records being requested by a parent/legal guardian or authorized representative in connection with a pending Committee on Special Education meeting or Due Process Hearing?  
Yes  No

If yes, please indicate the date of the meeting/hearing [\_\_\_\_\_] and note that the records must be provided prior to the meeting/hearing.

**Confidentiality Policy for School Employees**

School Employees are required to preserve the confidentiality of any and all records containing personally identifiable information. Student (and Staff) records may be confidential by virtue of the Family Educational Rights and Privacy Act, the Individuals with Disabilities in Education Act, state privacy laws and other laws and regulations. School Employees may not disclose personally identifiable information about school students or employees unless they are certain that such disclosure is permitted by law.

If in doubt about either the confidentiality of any record or the legality of disclosing information (including to other personnel within the school), School Employees should consult with their supervisor (who in turn may consult with the school's counsel) before disclosing any student or employee information.

\_\_\_\_\_ **I have received and read a copy of the above policy.**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

**Form V0003**

***Inside Address***

Re: Consent For Release of Student Information

Dear ***[Name]***:

Pursuant to the Family Educational Rights and Privacy Act, a school cannot release the education records of a student without the prior written consent of the adult student or the minor student's parent/legal guardian (except in certain very specific circumstances not applicable here).

We are therefore writing to let you know that a request was made by ***[name of requestor]*** on ***[date request was made]*** to view the following records of ***[name of student]***: ***[List of records requested]***. The ***[name of requestor]*** has stated that the reason for this request is ***[reason for request to review records]***.

If you consent to the release of these records, please so indicate by filling out the permission slip below and returning it to the school. Please note that you are under no obligation to provide your permission. If you have any questions about this matter, please contact ***[name of contact person]*** at ***[phone number of school]***.

Thank you for your attention to this matter.

Sincerely,

***[Name and title of school official]***

I hereby grant permission for the release of the records indicated above to the person/ organization indicated above.

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_ I request copies of the released records also be sent to me.



**Form V0004**

**TO:** Parents/Guardians of children enrolled in Vertus Charter School

**FROM:** *[Staff member in charge of student records]*

**DATE:** *[Date of Memo]*

**RE:** Notice of Intent to Disclose Student Directory Information

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Pursuant to the Family Educational Rights and Privacy Act and/or Part B of the Individuals with Disabilities Education Act, adult students and the parents/legal guardians of minor students may request that a school refrain from publishing directory information regarding the student. Directory information, includes but is not limited to name, class, date of birth and home address. If a school provides notice that it intends to publish directory information, it may do so if no written objection is filed with the school after a reasonable period of time after notice is provided.

You are hereby notified that the school intends to publish the directory information indicated on the attached form. If you object to the publication of some or all of this information, please use the attached form to indicate your objection. For those items that you object to being published, please put a checkmark in the space to the right of those items and then return the form to the school office no later than ***[date on which form is due]***. Please also be sure to fill out the information at the bottom of the attached form (student's name, your name, the date and your signature). Please note that if you do not return the attached form to the school by ***[date on which form is due]***, we will assume that you have no objection to the publication of this information.

Thank you for your attention to this matter. If you have any questions, please contact ***[name of designated staff member]*** at ***[school's phone number]***.

Directory information to be published by Vertus Charter School

|  |       |
|--|-------|
| Name   | _____ |
| Date of Birth/Age                            | _____ |
| Address                                      | _____ |
| Telephone Number                             | _____ |
| E-Mail Address                               | _____ |
| Photograph                                   | _____ |
| Grade  | _____ |
| Height and/or Weight <sup>1</sup>            | _____ |
| Academic Honors                              | _____ |
| Participation in Extra-Curricular Activities | _____ |
| Previous school attended                     | _____ |
| Dates of attendance                          | _____ |

Student's Name: \_\_\_\_\_

Print Your Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> This information will be published for members of athletic teams only.

**Notification of Rights under FERPA  
Vertus Charter School**

The federal Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents/guardians or eligible students should submit to Vertus Charter School a written request that identifies the record(s) they wish to inspect. The school will make arrangements for access and notify the parent/guardian or eligible student of the time and place where the records may be inspected. The School will make copies available to parents/guardians for free.

(2) The right to request the amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate or misleading. Parents/guardians or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the school's Chief Operating Officer, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent/guardian or eligible student, the school will notify the parent/guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests.

A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional

responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [NOTE: FERPA requires a school to make a reasonable attempt to notify the parent/guardian or eligible student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) 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 are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

**Records Maintained**

Pursuant to federal regulation, the school is required to provide parents/legal guardians on request a list of the types and locations of education records collected, maintained or used by the school. This list is being provided to you because you are a parent/legal guardian of a student enrolled in the school and you have requested that this list be provided to you.

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| Type of Record | Location of Record |
|----------------|--------------------|
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