

Ark Community Charter School

Student Records Policy

DESCRIPTION OF PLANS FOR THE TRANSFER OF STUDENTS AND STUDENT RECORDS TO THE SCHOOL DISTRICT OF RESIDENCE IN THE EVENT OF THE DISSOLUTION OF THE CHARTER SCHOOL, AND FOR THE DISPOSITION OF SCHOOL ASSETS.

In the unlikely event that the Ark Community Charter School was to dissolve, ACCS will implement the transfer of students and student records to the home school district of each student.

ACCS will assist children and their parents/guardians to find other appropriate and desirable schools if requested by the family. Any assets belonging to the Ark Community Charter School will be transferred to the Enlarged School District of the City of Troy, New York.

ARK COMMUNITY CHARTER SCHOOL'S CONFIDENTIAL RECORDS POLICY

The purpose of this policy is to ensure the Ark Community Charter School's ("ACCS") compliance with the federal Family Educational Rights and Privacy Act ("FERPA") and the confidentiality provisions of the federal Individual with Disabilities Education Act ("IDEA") by setting forth ACCS's policy and procedure with respect to requests to review records.

The FERPA Administrator

ACCS's Board of Trustees ("Board") shall designate a member of ACCS's administrative staff to oversee compliance with FERPA and the confidentiality provisions of IDEA. Said administrative staff member shall be known as the "FERPA Administrator".

The FERPA Administrator shall have the exclusive authority to process all requests for records pursuant to FERPA and/or IDEA's confidentiality provisions. The FERPA Administrator shall request photo identification of individuals identifying themselves as parents and/or legal guardians and shall maintain a copy of all such photo identification.

The FERPA Administrator shall maintain a master calendar to track each request to review records and the deadlines to make such records available.

With the exception of records kept by individual teachers, the FERPA Administrator shall store educational records in a central, secured location, access to which is limited to designated members of the administration.

Prior to or at the beginning of each school calendar year, the FERPA Administrator shall mail its form – Annual Notification – to the parent(s) and/or legal guardian(s) of each student.

Requests to Review Records

All requests for review of a student's records must be submitted in writing to the FERPA Administrator. The FERPA Administrator shall make all responsive records available for inspection and review within forty-five (45) days of receipt of a written request to review records or within any shorter period prior to the meeting of a Committee of Special Education or a due process hearing. The FERPA Administrator shall respond to reasonable requests for explanations and interpretations of the records.

If a requested education record contains information on more than one student, the parent and/or legal guardian may only review and inspect information pertaining to their student. The FERPA Administrator may redact copies of education records accordingly.

The FERPA Administrator may charge the requesting party a reasonable fee for copies of all responsive records unless circumstances would effectively prevent the requesting party from exercising the right to review and inspect records because of the fee.

Requests for Amendments to Records

A parent and/or legal guardian ("Parent") has the right to request that ACCS amend their student's records if the Parent believes the information in their student's records is inaccurate or misleading or that the information violates the student's right to privacy or other right. The FERPA Administrator, in consultation with the appropriate ACCS official and/or employee shall decide whether to amend the information within two (2) weeks of the receipt of a request for an amendment to records. If ACCS decides not to amend the information as requested, it shall inform the Parent of its decision in writing and advise the Parent of the Parent's right to a hearing in writing.

Disclosure of Educational Records and Personally Identifiable Information

In many cases when an individual other than a Parent submits a request to review records, the FERPA Administrator shall obtain the Parent's signed and dated written consent prior to the disclosure of educational records and personally identifiable information. Personally identifiable information is information that includes the name of the student, parent or other family member, the address of the child, a personal identifier number, and a list of characteristics or other information that would make it possible to identify the student with reasonable certainty. Written consent from the Parent is required unless the FERPA Administrator, in consultation with ACCS's attorney, determines that the written consent requirement, is not required under FERPA or IDEA.

In cases where written consent is required, the FERPA Administrator shall provide information to the Parent about the nature of the records that are contemplated for release, the reason for the request and to whom the records would be released. If the Parent so requests, copies of the records that have been requested for release will be provided to the Parent. The FERPA Administrator shall use ACCS's form – Consent for Release of Student Information – to obtain the Parent's written consent.

Disclosure of Directory Information

FERPA permits the disclosure of “directory information” without specific permission from the Parent. Directory information is information contained in educational records which would not generally be considered harmful or an invasion of privacy if disclosed, e.g. name, age, address. The Parent has the right to refuse to let the disclosure of such information. ACCS shall deliver a copy of its form – Notice of Intent to Disclose Directory Information to the Parent one (1) week prior to the proposed disclosure of such information to give the Parent an opportunity to object in writing to the proposed disclosure.

Employee Confidentiality Agreement

In order to ensure that its employees understand that absent a special reason, a faculty member should not have access to records of students to whom s/he is not providing instruction, each ACCS employee shall review and sign ACCS’s employee confidentiality agreement annually.

Record of Access

The FERPA Administrator shall maintain a record of all parties (other than Parents and school officials) that have requested and/or received personally identifiable information from a student’s education records and indicating the legitimate interest each such party had in obtaining access to the records. The FERPA Administrator shall use ACCS’s form – Record of Access – for this purpose. The FERPA Administrator shall maintain a copy of the record of access with the education records of each student.

The FERPA Administrator shall keep the record of access confidential and shall not disclose it to individuals other than parents and/or legal guardians, ACCS officials and employees with a legitimate interest and authorized representatives of governmental officials charged with auditing the record keeping system.

List of Education Records

The FERPA Administrator shall maintain a list of the types and locations of education records collected, maintained or used by ACCS on its form – Records Maintained. Upon a request from a Parent, the FERPA Administrator shall provide a copy of its list of records maintained to the Parent.

List of Employees with Access

The FERPA Administrator shall maintain a list that contains the names and positions of those ACCS employees who may have access to personally identifiable information of ACCS students. The FERPA Administrator shall provide a copy of this list to any member of the public requesting a copy.

Destruction of Personally Identifiable Information

The FERPA Administrator shall inform Parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to their students. Upon written request by the Parent, such information shall be destroyed. However, ACCS may maintain a permanent record of a student's name, address and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed without time limitation.