



Independence Charter School

Administration and Confidentiality of Student Records Policy

Purpose

The educational interests of students require the collection, retention, and use of data and information about individuals and groups of students. At the same time, the Board of Trustees ("Board") recognizes its responsibility to compile, retain, dispose of, and maintain the confidentiality of such student data and records in accordance with law.

The purpose of this Policy is to establish the guidelines governing Independence Charter School's ("School") compilation, retention, disclosure and security of student records. The guidelines below are intended to provide for the following:

1. Informing parents, guardians and eligible students of their rights and the procedures to implement those rights.
2. Permitting legally required access by authorized persons and officials, describing procedures for access, and listing copying fees.
3. Enumerating and defining the types, locations and persons responsible for student records maintained by the School.
4. Establishing guidelines for disclosure of information and data in student records.
5. Maintaining a record of access and release of information for each student's records.
6. Assuring appropriate retention and security of student records.
7. Transferring education records and legally required disciplinary records to other elementary and secondary school educational entities and post-secondary educational entities with the understanding that the School will not disclose disciplinary records to post-secondary schools.

Definitions

- A. **Student** means any individual who is or has been in attendance at Independence Charter School and for whom the School maintains records.
- B. **Parent** means a parent of a student, and includes a natural parent, a guardian, or an individual legally acting as a parent of a student in the absence of a parent or guardian.
- C. **Directory Information** includes the following information relating to a student: the student/family members' name, address, telephone number, electronic mail address, photograph, date and place of birth, years of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, the most recent previous educational agency or institution attended by the student, and other similar information. Directory information does not include a student's Social Security Number, grades, status as a student with special needs, or any other information that is not specifically identified in this paragraph. Directory information may include a student identification (ID) number or personal identifier as long as the ID number or identifier cannot be used to gain access to educational records without another factor (such as a PIN or password) possessed only by the authorized user.
- D. **Destruction** means the physical destruction or permanent removal of personally identifying data from the education records of a student so that the information in those records is no longer personally identifiable.
- E. **Disclosure** means permitting access or the release, transfer, or other communication of personally identifiable information contained in education records of the student orally or in writing, or by electronic means, or by any other means to any party except the party identified as the party that provided or created the record.
- F. **Educational Agency** means any public or private agency to which the Family Educational Rights and Privacy Act ("FERPA") applies.
- G. **Education Records** includes student records as defined in FERPA, as amended (See Attachment A).
- H. **Eligible Student** means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.
- I. **Electronically Stored Information (ESI)** includes but is not limited to emails, and electronic documents. The possible sources/locations of ESI are individual hard drives, local and remote servers, removable media and devices used to conduct school business.
- J. **Exceptional Student** means a child of school age who has a disability or who is gifted and who, by reason thereof, needs specially designed instruction.

K. **Personally Identifiable Information** includes, but is not limited to the name of the student, the student's parent or other family member; the address of the student or student's family; and a personal identifier, such as the student's social security number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the School reasonably believes knows the identity of the student to whom the education record relates.

L. **Biometric Record**, as used in the definition of "personally identifiable information", means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

M. **School Officials** refer to administrators, teachers, and pupil services personnel who have a legitimate educational interest, meaning they need to review an education record in order to fulfill his or her professional responsibility, and who are directly responsible for the instruction or the health and safety of students while in attendance at the school.

Collection

A. No information concerning a student, his/her parent, guardian, or family will be collected without prior informed consent of the parent or guardian, with the following exceptions:

1. When the student reaches the age of eighteen (18), his/her informed consent alone must be obtained. This includes the right to deny parental access to records.
2. When the student is less than eighteen (18) years of age, informed consent of the student's parent(s) or guardian(s) or surrogate(s) must be obtained.
3. The prior informed consent of students who have reached the age of eighteen (18) or their parent(s) or guardian(s) or surrogate(s), not representational consent as specified in these guidelines, must be provided for the gathering of the following types of information under the supervision of a certified school psychologist:
 - a. Individual educational assessments administered by a certified school psychologist or other certified personnel.
 - b. Personality tests and inventories administered by a certified school psychologist.

- c. Family background information (including origin, religious beliefs and other personal information).
 - d. Interviews by school psychologists, social workers and psychiatrists, when necessary.
 - e. Reports of agencies and practitioners outside the educational system.
 4. When the child has reached eighteen (18) years of age and when the child's teacher, special education supervisor, school psychologist responsible for the child in conjunction with a coordinator of psychological services have behavioral observations that lead to a reasonable doubt about the student's emotional or mental capacity to understand the implications of his/her giving consent for gathering information, the parents or guardians or surrogates of the student should also provide individual informed consent in writing.
- B. Prior informed consent is not required if the following conditions are met:
 1. The Board may provide consent for the collection of certain types of information as specified below. Such representational consent will suffice in lieu of student, parental, guardian or surrogate consent for the collection of the following types of information:
 - a. Parents' or guardians' or surrogates' name, address, phone number, place of work.
 - b. Administration of group aptitude and achievement tests and collection of group scores.
 - c. Grades on teacher-prepared tests relating to subject matter curriculum.
 - d. Grades on report cards.
 - e. Vocational skill assessment.
 - f. Speech, hearing and vision screening devices.
 - g. Such other information that is routinely collected and deemed necessary by the CEO or a designee, provided it has been specified through the above representational consent procedures.
 2. When representational consent is provided by the Board, students and parents or guardians or surrogates must be notified in writing of such representational consent provided by the Board. See Attachment A.

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3. Student information gathered for a specific purpose may be used for no other purpose unless appropriate representational consent or individual consent is obtained.

Maintenance/Destruction of Data in Educational Records

A. Retention and Destruction of Records:

1. Information no longer relevant to and necessary for the provision of educational services to the student shall be destroyed as delineated in the Student Records Retention Chart (See Attachment C). Any student records not specifically identified on the chart, including the purging of ESI, shall be referred to _____ for review. A written record of a student's name, address, telephone number, grades, attendance records, classes attended, grade level completed and year completed shall be maintained for at least 100 years beyond the date the student attains the age of 24.
2. The School shall send written notification to the parents which shall inform the parents of their right to receive a copy of the material to be destroyed, prior to the destruction of the information.

B. The destruction of records of exceptional students is subject to the following conditions:

1. The Pennsylvania Department of Education, Bureau of Special Education requires that educational records for special education students be retained for six years after the age of 21.
2. The School shall inform the parents of a 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.
3. The School shall not destroy education records containing information necessary for the education of a student who is enrolled or has been enrolled in an education program operated by the School.
4. The School shall maintain records needed for a financial or programmatic audit of any program receiving Federal funding for three years after the completion of the activity for which the funding was used.

Legal Hold Procedures

- A. When the School believes that a matter is likely to lead to litigation by or against the School, a "legal hold" will be placed on such relevant matters, requiring that education records, including electronic data, relating to the matter, incident, person or entity, be retained by the School until such time as the legal hold is lifted.

B. Responsibility – Because of the variety of matters that could lead to litigation by or against the School, the responsibility to identify such matters rests with all School employees. Principals and other supervisors are responsible for informing staff that they supervise of their responsibilities to report items covered by a legal hold.

C. Procedure

When a School employee has reason to believe that a matter may give rise to potential litigation, that employee shall:

- a. advise immediate supervisor, building supervisor, or specified administrator of the matter and, if requested by the supervisor, prepare a written report stating what the individual saw and/or heard, the names of the people and entities involved and the names of any witnesses
- b. preserve education records relating to the matter, pending a determination regarding whether a legal hold is necessary.

The administrator must forward a written report to the CEO, which, in consultation with the School’s legal counsel, will determine whether to place a legal hold on education records, including ESI, relevant to the incident(s).

If a legal hold is implemented, the CEO will direct the appropriate administrator(s) to make all reasonable efforts to retrieve and maintain any archived ESI before that data is purged and to further prevent potentially relevant records from being purged or deleted.

The CEO will direct the appropriate administrator to advise School employees involved with the incident(s) or matter(s) at issue of the legal hold and advise them to retain all documents, data and information regarding the matter including, but not limited to email communications, notes, letters and voice mail messages pending further notice.

D. Release of Legal Hold

If a matter is settled or resolved or the relevant statute of limitations has run out or it otherwise becomes apparent that litigation is not likely to arise, then the CEO, in connection with the School’s legal counsel, will release the legal hold and the retained and stored documents may then be **disposed of in accordance with the ordinary document retention policies of the School.**

Disclosure of Information and Data in Student Records

A. Record Keeping Requirements

1. The School shall keep a record of each request for access to and each disclosure of personally identifiable information from the education records of each student in compliance with FERPA, as well as the names of State and local educational authorities, or U.S. officials listed in FERPA

(authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education) that may make further disclosures of personally identifiable information from the student's education records without consent under FERPA. The School shall also keep a record of each request from representatives of a state or local child welfare agency who make a request for access to personally identifiable information from the education records of students without consent under FERPA. In order to obtain a student's records, the representative must provide proof that the agency has legal responsibility for the child's care and protection. The proof can be in the form of a court order or written notification on agency letterhead indicating that the agency has legal custody or is otherwise legally responsible for the care and protection of the child. The access record shall include the name of the party, the date access was given and the legitimate interests for which the party was allowed to use the records.

2. In the event that the School discloses personally identifiable information from an education record with the understanding that the party receiving the information may make further disclosures as authorized under FERPA, the access record shall include the names of the additional parties to which the receiving party may disclose the information on behalf of the School, and the legitimate interests which each of the additional parties has in requesting or obtaining the information.
3. The School must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception and in regard to health or safety emergencies under FERPA:
 - a. The articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure; and
 - b. The parties to whom the agency or institution disclosed the information.
4. The following parties may inspect the record relating to each student:
 - a. The parent or eligible student;
 - b. A School official or his/her assistant(s) who are responsible for the custody of the records.
 - c. Those parties authorized by FERPA for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

B. Rules for Disclosure

1. Personally Identifiable Information:

- a. The parent or eligible student shall provide a signed and dated written consent before the School discloses personally identifiable

information from the student's education records except under specific conditions as provided in FERPA and explained further below. The written consent must:

- i. Specify the records that may be disclosed;
 - ii. State the purpose of the disclosure; and
 - iii. Identify the party or class of parties to whom the disclosure may be made.
- b. The School may disclose personally identifiable information from an educational record of a student without the signed and dated written consent from the parent or eligible student if the disclosure meets one or more of the exceptions listed in § 99.31 of the FERPA regulations. Examples of the exceptions under which prior consent is not required to disclose information include but are not limited to the following:
- i. Directory information if the School has given public notice to parents of students in attendance and eligible students in attendance of:
 - The types of personally identifiable information designated as directory information;
 - A parent's or eligible student's right to refuse to let the School designate any or all of those types of information about the student as directory information; and
 - The period of time within which a parent or eligible student has to notify the School in writing that he or she does not want any or all of those types of information about the student designated as directory information. See Attachment B.

Also:

- The School may disclose directory information about former students without complying with the notice and opt out conditions above. However, the School must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt out request.
- A parent or eligible student may not use the right above to opt out of directory information disclosures to prevent an educational agency or institution from disclosing or requiring a student to disclose the student's name, identifier, or

- institutional e-mail address in a class in which the student is enrolled.
 - The School may not disclose or confirm directory information without meeting the written consent requirements if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.
- ii. The disclosure is to other school officials, including teachers, whom the School has determined have legitimate educational interests. A contractor, consultant, volunteer, or other party to whom the School has outsourced School services or functions may be considered a school official provided that the outside party performs a service or function for which the School would otherwise use employees; is under the direct control of the School with respect to the use and maintenance of education records; and is subject to the requirements of FERPA governing the use and redisclosure of personally identifiable information from education records.
 - The School must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate education interests.
- iii. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer upon condition that:
 - the School must make a reasonable attempt to notify the parent or eligible student of the disclosure at the last known address of the parent or student unless:
 - the disclosure is initiated by the parent or eligible student; or
 - the School includes in its annual notification that the School forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- iv. The records have been subpoenaed by a judicial authority but only if the School makes a reasonable effort to notify the

parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a subpoena and the court or other issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

- v. The disclosure is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The School may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals.

4. Record-Keeping Regarding Student Discipline

- a. Each principal or designee shall keep and retain complete records of student disciplinary actions. Records regarding student disciplinary actions shall be retained for two (2) years after graduation or withdrawal.
- b. The kinds of disciplinary actions for which an accounting shall be kept shall include, but not be limited to, electronic record-keeping systems, suspension, placement in special classes and referrals of cases to police and juvenile authorities.
- c. The School shall disclose a student's disciplinary records to the following:
 - i. Whenever a School student transfers to another school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the student has transferred, upon written request by the school entity or nonpublic school to which the student has transferred. The disciplinary record shall be supplied to the receiving school within ten (10) days from receipt of the written request to supply a certified copy of the student's disciplinary record. The School shall maintain required records concerning adjudicated students and transfer students disciplined for offenses involving weapons, alcohol, drugs and violence on school property.
 - ii. In the event that the School reports a crime committed by a child with a disability, the School must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom

the School reports the crime but only to the extent permitted by FERPA and this regulation.

- d. All other requests for disciplinary records may not be disclosed without written parental/guardian consent.

Annual Notification of Rights

A. The School shall give parents of students in attendance or eligible students in attendance at the School annual notice by such means as are reasonably likely to inform them of their rights under FERPA including the following:

1. The right to inspect and review the student's education records.
2. The right to 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. 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.
4. The right to file with the Department of Education a complaint concerning alleged failures by the School to comply with FERPA.

B. The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records.
3. The specific criteria for determining who constitutes a school official and what constitutes a legitimate educational interest. See Attachment B.

C. The CEO or designee shall provide for effective notification of parents or eligible students who are disabled as well as for those parents identified as having a primary or home language other than English.

Parent Access Rights

A. Parents are permitted, in the presence of a school official, to inspect, view or copy educational records relating to their child when the record is collected, maintained or used by the School. The School shall comply with the request within a reasonable period of time, but not more than forty-five (45) days after it has received the request.

B. If circumstances effectively prevent the parent from exercising the right to inspect and review the student's education records, the School shall:

1. Provide the parent with a copy of the records requested; or

2. Make other arrangements for the parent to inspect and review the requested records
- C. The School may charge a fee for a copy of an education record, which is made for a parent or eligible student unless the imposition of a fee effectively prevents a parent or eligible student from exercising their rights.
- D. The right to inspect, review or copy education records includes:
1. The right of a parent to request and receive from the School a reasonable explanation and interpretation of information contained in the education records of the child.
 2. The right of a parent to designate a representative who will inspect, review or copy the records.
- E. If an education record of a student includes information on more than one child, the parent or eligible student may inspect and review or be informed of only the information relating to the student.
1. A parent has the right to copy from or receive a copy of an education record originally containing information on more than one child.
 2. Prior to the parent's copying or receiving a copy of a record on more than one child, the School shall delete, remove or obscure from the record or its copy personally identifiable information concerning any child who is not the child of the parent.
- F. In cases involving separation, divorce, or custody in which the law views both parents as legal guardians, both the parent with whom the child resides and the parent with whom the child does not reside enjoy the same rights and privileges regarding review of and access to student records absent a court order to the contrary.
1. In case of divorce, unless there are extenuating or limiting circumstances, both natural parents retain the legal right to review of student records. In cases where the divorce decree limits the rights of the non-custodial parent with respect to visitation or knowledge of the child, the non-custodial parent shall be denied access to the child's records. The burden to produce the court order to deny access is on the parent seeking to deny access. In order to protect the interests of the School, when a divorced non-custodial parent requests access to a child's records, and there is no court order or other legally binding document denying access on file, that parent shall be requested to complete a RECORDS ACCESS AFFIDAVIT. The completed affidavit shall be retained in the student's permanent record file.
- G. A request for review of the student's records by a parent or student should be directed to the principal.

Right to Request Amendment of Educational Records

A. Requests to Amend Education Records

1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or otherwise in violation of the student's privacy may request in writing that the School amend the record.
2. The School shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time, after receipt of the request. This determination shall be made by:
 - a. Building principal or a designee if there is agreement between the parent and building principal to amend the education records.
 - b. The CEO or designee if there is disagreement.
3. If the School refuses to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal and the reasons for refusal in writing, and advise the parent of the eligible student of the right to a hearing.

B. Right to a Hearing

1. The School shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records on the grounds that information contained in the education records of the student is inaccurate, misleading or otherwise in violation of the privacy rights of the student. The hearing shall be conducted according to the prescribed procedure given in these administrative regulations.
2. If, as a result of the hearing, the School decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
3. If, as a result of the hearing, the School decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the contested information in the education records and/or setting forth any reason for disagreeing with the decision of the School.
4. Any explanation placed in the education records of the student under paragraph 3 of this section shall:
 - a. Be maintained as part of the education records of the student as long as the record or contested portion thereof is maintained by the Board.

- b. If the education records of the students or the contested portion thereof are disclosed by the School to any party, the explanation shall also be disclosed to that party.

C. Conduct of the Hearing

- 1. The hearing required to be held shall be conducted according to the following procedures:
 - a. The School shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
 - b. The School shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
 - c. The hearing shall be conducted by the CEO or designee who does not have a direct interest in the outcome of the hearing.
 - d. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised, and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
 - e. The School shall make its decision in writing within a reasonable period of time after the conclusion of the hearing, but in no case more than thirty (30) days.
 - f. The decision of the CEO or designee shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Security of Records

A. The building principal is responsible for record maintenance and access. Annually, the building principal or his/her designee will review all aspects of the student records policy and guidelines with his/her staff.

B. Records in all categories will be secured in locked files or offices when not in use. Records stored electronically will be maintained in a secure database with access limited to those individuals with a legitimate educational interest in accordance with specific written guidelines.

Complaint Procedure

A. The School shall inform parents of students or eligible students of their right to file a complaint regarding possible violations of their rights accorded them by the Family Educational Rights and Privacy Act of 1974. This complaint shall be submitted in

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writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

ATTACHMENT A

Excerpt from Family Educational Rights and Privacy Act

Education Records

- (a) The term means those records that are:
 - (1) Directly related to a student; and
 - (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.
- (b) The term does not include:
 - (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 of the law enforcement unit of an educational agency or institution, subject to the provisions of §99.8 of FERPA.
 - (3) Records relating to an individual who is employed by an educational agency or institution, that:
 - (A) Are made and maintained in the normal course of business;
 - (B) Relate exclusively to the individual in that individual's capacity as an employee; and
 - (C) Are not available for use for any other purpose.

(ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3) of this definition.

- (4) Records on a student who is 18 years of age or older, or is attending an institution of post-secondary education, that are:
 - (i) 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;
 - (ii) Made, maintained, or used only in connection with treatment of the student; and
 - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and

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- (5) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- (6) Grades on peer-graded papers before they are collected and recorded by a teacher.

ATTACHMENT B

INDEPENDENCE CHARTER SCHOOL

1600 Lombard Street
Philadelphia, PA 19146
215.238.8000

**IMPORTANT NOTIFICATION OF RIGHTS PERTAINING TO STUDENT RECORDS
INCLUDING CONSENT FOR COLLECTION OF STUDENT INFORMATION**

Student Records

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. Please refer to the Board's Student Records Policy or by contacting the School at the above address and phone number for specifics regarding the School's procedures including, but not limited to, the classification, maintenance, destruction, and disclosure of student records. A summary of these rights follows:

(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 or eligible students should submit to the school principal a written request that identifies the record (s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student's right to privacy.

Parents or eligible students may ask the School to amend a record that they believe inaccurate, misleading, or in violation of the student's right to privacy. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of the student's right to privacy.

If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent 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 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 Board of

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Trustees; 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 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 contractor, consultant, volunteer, or other party to whom the School has outsourced School services or functions may be considered a school official if certain conditions apply.

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.

The School discloses educational records without consent to officials of other agencies or institutions that have requested the records and in which the student attends or seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer upon conditions as specified in FERPA and in the Board's Student Records Policy. A student is considered to attend an agency or institution if the student is either enrolled in or receives services from the agency or institution.

(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 is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Directory Information

FERPA requires the School, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the School may disclose appropriately designated information (known as "directory information") without your written consent, unless you notify the School in writing within 20 days of the date you receive this notice that you do not want any or all of those types of information about the student designated as directory information. Directory information includes the following information relating to a student: the student's family members' name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed for purposes beneficial to the student and the School only with the approval of the CEO or designee. A parent or eligible student may not use the right above to opt out of directory information disclosures to prevent an educational agency or institution from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

ATTACHMENT C

RECORD RETENTION SCHEDULE

DESCRIPTION	RETENTION PERIOD	DISPOSAL
Student Records – Official Administrative Record – name, parents/guardians’ names, and place of work, address, telephone numbers, birth date, transcript showing grade levels, courses completed, level of achievement, standardized achievement test scores and attendance, participation in officially recognized activities and sports	100 years	2
Student Records – Medical	2 years after date student last enrolled	2
Student Records – Special Education	Annually review – Retain relevant information ¹ at least six (6) years after a child’s graduation or six (6) years after that child is no longer of school age	2
Student Records – Discipline	Removed from the student's files at periodic intervals (i.e. when the student transitions to the middle or high school and when the student leaves school. All records of incidents of violence maintained at least until student graduates.	2
Student Records – Other Ex.) grades on teacher prepared tests; interest inventories; family background information	Annually review	2

Disposal Codes

1. Routine – no special precautions
2. Special – confidential records which must be destroyed in a secure manner

¹ Under the IDEA and relevant regulations, the School must inform parents when information is determined to be no longer relevant to provide educational services to the student. Information may be destroyed at the request of the parents, with the exception of the Official Administrative Record and Student discipline records described above.