

# Infinity Charter School

SECTION: STUDENT POLICIES

TITLE: STUDENT RECORDS

APPROVED: June 10, 2007

REVISED:

## 323. Student Records

### PURPOSE:

Infinity Charter School (ICS) recognizes the need to protect the confidentiality of personally identifiable information in the education records of eligible children. This policy has been prepared to ensure the privacy rights to both the parents/guardians and the eligible child in the collection, maintenance, release and destruction of these records. This policy incorporates provisions from the Regulations of the State Board of Education of Pupil Records (PA Code 22, Ch. 12), the Family Educational Rights and Privacy Act of 1974, the Confidentiality Section of P.L. 94-142, and the Confidentiality Section of PA Special Education Regulations and Standards.

Information in this policy will be reviewed and updated as necessary.

### GUIDELINES:

#### Definitions:

**Authorized school official** – means an administrator, supervisor, or instructor who has a legitimate educational interest (as defined by the LEA or APS) in the student’s education.

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

**Directory information** – includes the following information relating to a student: the student’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student and other similar information.

**Education record/records** – means those records which are directly related to a student, and are maintained by ICS.

**Eligible student** – means a student who has attained eighteen (18) years of age, or is attending an institution of postsecondary education.

**Personally identifiable** – includes data or information that identifies the student or family members by name, by address, by information such as telephone or social security numbers, or by a list of characteristics or other information that could make the student’s identity easily traceable.

**Release** – the giving of access to or the allowance of inspection, transfer, disclosure, or communication of any portion of a student’s education records which includes in it personally

identifiable information; the term also means release to any person by any means.

**Student** - means school age person, preschool pupil (eligible young child) with respect to whom an educational agency maintains education records.

**Parent** – includes a parent, guardian or a surrogate parent who acts as a parent in the absence of a parent or guardian. Unless there is a state law or court order which provides to the contrary, Infinity Charter School may presume that the parent has the authority to exercise the rights inherent in the Family Educational Rights and Privacy Act of 1974.

### **Transferring Files to Other Districts**

A parent/guardian has the right to review the files of his/her child. The parent may also request and receive the following:

1. An explanation of information in the student's education records.
2. A copy of all or part of the student's education records (the cost of which will not exceed the costs of duplication).
3. A list of the types and location of the student's education record collected, maintained, or utilized by ICS.

### **Destruction**

ICS will not destroy any part of an education record or personally identifiable information necessary for the education of a student who is enrolled, or has been enrolled, in ICS.

### **Release of Information**

In order to protect the rights of the student and his/her parents/guardians against infringement of privacy, misinterpretation of data, and inappropriate use, ICS shall obtain the written consent of the student's parent/guardian or the eligible student prior to disclosing personally identifiable information from the education records of a student, other than directory information, except when prior consent for disclosure is not required by law. Consent shall be obtained using the Consent to Release Information form.

Prior consent for release of such information is not required when disclosure is:

1. To authorized school officials or subcontracted agencies have a legitimate educational interest (A **legitimate educational interest** for an authorized school official means that his official will have administrative, supervisory, or instructional duties with regard to the student's educational program.).
2. To officials of another school, or school system, in which the student is enrolled or intends to enroll; records will not be released without notifying the parents/guardians.
3. To authorized representatives of the Comptroller General of the United States, the Secretary, or state and local educational agencies.
4. To state and local officials or authorities, if a state statute adopted before November 19, 1974, specifically requires disclosures to those officials and authorities.
5. To comply with a judicial order or lawfully issued subpoena, provided ICS makes a reasonable effort to notify the parent/guardian of the student of the order or subpoena in advance of compliance.

6. To organizations conducting studies for, or on behalf of, educational agencies or institutions provided such organizations have received approval from the ICS Board of Directors.
7. To a parent/guardian of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
8. In connection with a health or safety emergency, only if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Written consent will be obtained prior to release of personally identifiable information to any party not mentioned above. Prior to requesting consent, ICS will provide the parent/guardian or eligible student in writing the following:

1. A general description of the information or record to be released.
2. The form of the release.
3. The reason the release was requested.
4. The party or agency to whom the information will be released.

Whenever the student's school district of residence, Intermediate Unit, or the Department of Education requests the release of information, an approved private school must comply with the request within ten (10) days of receiving the request.

When a school district in which the student is enrolled or intends to enroll requests the release of information, ICS will comply with the request within ten (10) days of receiving the request.