



# Evergreen Community Charter School

Section: 200 PUPILS  
Title: STUDENT RECORDS  
Number: 216  
Last Revised: September, 2019

## **Purpose**

Educational records as defined herein must be protected from illegal, unethical, or inappropriate disclosure through adherence to principles of confidentiality. The need to protect privacy must be balanced with the need to provide appropriate education programming and to protect the safety and health of students and employees.

## **Definitions**

**Eligible student** – a student who has reached the age of eighteen (18) or older or is attending a postsecondary education institution. Eligible students can access their own educational records.

**Parent** – includes a biological parent, a guardian who can be either an individual or agency having educational rights, an individual acting as a parent in the absence of a parent or guardian, or a foster parent who can show that's/he has educational rights. Where no individual or agency acting as a parent can be located, an appointed and approved surrogate parent.

## **Authority**

This policy shall be interpreted in accordance with and consistent with the following laws and corresponding regulations: the Family Educational Rights and Privacy Act (FERPA); the Individuals with Disabilities Education Act (IDEA); the Every Student Succeeds Act (ESSA); the Health Insurance Portability and Accountability Act (HIPAA); the Pennsylvania School Code and Regulations of the State Board of Education, and any other applicable laws and regulations.

This policy supplements Evergreen Community CS's Public and Confidentiality Notices. These notices are available on Evergreen Community CS's website, [www.evergreencommunityschool.org](http://www.evergreencommunityschool.org).

## **Delegation of Responsibility**

Management of student records shall be overseen in each building by the Director or designee. General questions or complaints regarding student records or requests for copies must be directed to the Director's office. A copy of this policy shall be provided

in a parent's/guardian's or student's native language whenever requested.

### **Guidelines**

Evergreen Community CS's plan for compilation, retention, disclosure and security of student records shall provide for the following:

1. Informing parents/guardians and eligible students of their rights and the procedures to implement those rights.
2. Permitting appropriate access by authorized persons and officials, describing procedures for access.
3. Enumerating and defining the types, locations and persons responsible for student records maintained by Evergreen Community CS.
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 appropriate disciplinary records to other schools.

### **Directory Information and Other Types of Records**

#### Directory Information –

Information from a student's education record, the release of which is generally not considered an invasion of a student's privacy. A school can disclose those items it designates as directory information from a student's education record without prior parental consent unless a parent/guardian objects in writing. Evergreen Community CS has designated the following as directory information: student's name, address, telephone listing, date of birth, grade level, enrollment status, dates of attendance, and awards received. Pursuant to the ESSA, the district is required to release student directory information to military recruiters, unless parent/guardian or eligible student notify the district in writing of their refusal for this information to be released.

#### Mental Health Records –

Mental health records received by Evergreen Community CS shall not become part of a student's educational records file unless needed for educational programming or medical purposes and expressly released by the student (for students age fourteen (14) and over) or parent/guardian.

### **Records on Discipline and Violent Acts**

Evergreen Community CS shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein. These records shall be forwarded to a school where the student transfers or seeks to enroll without prior parental consent.

## Test Protocols Under the IDEA

Students' test protocols will be maintained separately from other education records in confidential files and are not part of a student's main educational record. Pursuant to the IDEA, parents/guardians may request an opportunity to review and discuss specific testing results with an evaluator. During such a meeting, testing materials can be reviewed and explained.

## Requests for Inspection of Records

In general, student records shall not be disclosed or released without prior, written parental consent, except as provided for in the law and as described herein. Any parent/guardian or eligible student shall have the right to inspect all education records maintained by Evergreen Community CS.

Parent/Guardians may only review the education records in their own child's file. Parent/Guardians and eligible students do not have a right to copies of education records; however, copies may be provided at the discretion of the Director and or upon a parent's guardian's documented claim that s/he is unable, due to physical disability or illness, to review the records at the school.

Evergreen Community CS will comply with a request to review records within forty-five (45) calendar days from the date of the written request. Written requests shall be submitted to the Director. The Director, or designee may be present during a parent's/guardian's or eligible student's inspection of education records at a school building.

Parent/Guardians of students receiving special education services may designate an individual to review his/her student's education records. Evergreen Community CS must be provided with written consent signed by the student's parent/guardian for this to occur.

## Transcripts

Students may request copies of transcripts at any time.

## Request for Disclosure

All disclosures requiring written parental/eligible student consent shall be made only once the consent has been received by the Director, or designee and will be maintained with a Record of Release for the file. The written consent must contain: a date and any time limit for release, the records to be disclosed, the purpose of the disclosure and the specific person to whom the records shall be released.

## Disclosures Made Where Prior Consent is Not Required

Educational records may be disclosed by an authorized official of Evergreen Community CS without prior parent consent in accordance with FERPA, including to:

1. Other school officials who have been determined by the Director to have legitimate educational interest. All school employees or subcontractors involved in the supervision of a student (academic or nonacademic) have a legitimate educational interest in information contained in educational records if that information is necessary to ensure appropriate fulfillment of their professional duties and to protect the health and safety of the student. This means that information from educational records will be shared among school

administrators, teacher, advisors, nurses, support staff, intermediate unit personnel, and evaluators.

2. Officials of other schools, including postsecondary schools, in which the student seeks or intends to enroll, upon condition that the student's parents/guardians be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
3. Authorized representatives of federal, state, or local government.
4. In connection with a student's application for, or receipt of, financial aid.
5. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents/guardians by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
6. Accrediting organizations in order to carry out their accrediting functions.
7. In connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons. It shall be the policy of Evergreen Community CS to utilize this exception to the consent requirement only where the health and safety emergency is imminent, the threat serious and the need for information immediate.
8. Pursuant to a subpoena or judicial order. Evergreen Community CS will seek to contact the parents/guardians of the student to notify them of the release of information in advance of compliance.

#### Challenges to the content of a Student's Educational Record

A parent/guardian or eligible student has the right to request amendment of a student's education file if it is believed that any information inaccurate or in violation of a student's rights. Requests for amendment of a student's file should be directed to the Director.

Evergreen Community CS shall decide within a reasonable whether to amend the record. If Evergreen Community CS does not amend the records, it shall notify the parent/guardian/eligible student of the right to arrange an informal hearing.

The written decision on whether or not to amend the educational record will be provided to the parent/guardian/eligible student who requests the hearing within a reasonable time after the date of the hearing, but no longer than sixty (60) school days. If a complaint cannot be satisfactorily resolved, a parent/guardian can file a complaint at the federal Family Policy Compliance office.

#### Destruction of Educational Records

Evergreen Community CS may destroy educational records when they are no longer needed to provide educational services to a student.

Records that include core data, consisting of student's name; last known address of parents/guardians; birth date; general attendance data; and transcripts, otherwise known as a student's cumulative file, may be destroyed once 100 years have passed since a student's 24<sup>th</sup> birthday.

Records maintained by the district as educational records for a regular education student shall be maintained for five (5) years beyond the student's graduation date. If the student does not graduate from Evergreen Community CS, the records shall be maintained until the student's 24<sup>th</sup> birthday.