

EDU-P-5210 – ACCESS TO STUDENT RECORDS POLICY

The Board of Fei Tian Academy of the Arts-Middletown recognizes the importance of accurate student records and the need to maintain their confidentiality in accordance with the federal Family Educational Rights and Privacy Act (FERPA).

Statement of Rights

Parents and eligible students (18 years and older) have the right;

1. to inspect and review the educational record of their children (or, for eligible students, the right to review his/her educational or health records);
2. to request the amendment of these records to ensure they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. to consent to disclosures of personally identifiable information in the student's education or health records, except information that can be disclosed without consent as provided by FERPA;
4. to file a complaint with the U.S. Dept. of Education; and
5. to obtain a copy of this policy.

All eligible persons requesting the right to review educational or health records **must** complete an entry on the "Access Records Log" (See Exhibit A) and indicate a reason.

Definitions

"Parent" is a parent or guardian of a student, and also an individual acting as a parent in the absence of a parent or guardian.

"Eligible Student" is a student who has reached eighteen (18) years of age.

"Education Records" are all records, files, documents, and other materials containing information directly related to a student, maintained by the district, or by a person acting for the district. This includes all records regardless of medium, including but not limited to handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

1. Kept in the sole possession of the maker;
2. Not accessible or revealed to any other person except a temporary substitute;
and
3. Used only as a memory aid.

FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records. School personnel with authority to review students' records should be limited to those with legitimate educational interests.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Annual Notice

Notice of the above rights shall be distributed annually to parents in a student handbook or other suitable handbook. Effective notice shall be sent to parents who have a primary or home language other than English. The notice shall state that copies of this policy may be obtained in the main office.

Inspection and Review of Education Records

Parents shall be allowed to inspect and review their children's education records except when such records contain information on more than one student. In such a case, the review must be appropriately limited to avoid the disclosure of confidential information about other students.

FTAA-Middletown shall respond to reasonable requests of explanations and interpretations of the records. The school shall also give the parents a copy of the records if failure to do so would effectively prevent the parents from exercising their rights to inspect and review the records.

Personally Identifiable Information

The school shall not release personally identifiable information without the consent of parents except as permitted by FERPA. This exception includes disclosure to school

officials, including teachers, within FTAA-Middletown who have legitimate educational interests. The school will forward selected education records, such as transcripts, to other educational institutions in which the student seeks or intends to enroll.

Record of Disclosures

The school shall maintain a record of each request for access and each disclosure of personally identifiable information from education records other than requests from parents, school officials, a party with written consent of a parent, or a party seeking directory information. A parent may inspect and review this record.

Correction of Records

A parent who believes that an education record is inaccurate, misleading, or in violation of their child's privacy rights may request the school to amend the record. In the event that the school decides not to amend the record, it shall inform the parent of their right to a hearing. The hearing must:

1. be held within a reasonable period of time with due notice in advance of the hearing;
2. be held by an individual who does not have a direct interest in the outcome of the hearing; and
3. provide the parent a full and fair opportunity to present evidence and to be assisted by one or more individuals of their choice, including an attorney.

The hearing officer must provide within a reasonable period of time a written decision based solely on the evidence presented at the hearing. The decision shall include a summary of the evidence and the reasons for the decision.

If the decision is not to amend the record, the parent or eligible student may submit a statement to be placed with the record at issue. If such a statement is placed in the records, the school shall maintain the statement for as long as the record is maintained and shall disclose the statement whenever it discloses the portion of the record to which the statement pertains.

Cross Ref: FERPA, Student Handbook

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