

Family Educational Rights and Privacy Act (FERPA)

Family Educational Rights and Privacy Act (FERPA) (20 USC. § 1232g;) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents and students over the age of 18 (eligible students) certain rights with respect to student records. These rights are briefly summarized below and are explained more fully in the Board's Student Record Policy which is on file at the school and available upon request and in the Annual Notification of Rights under FERPA.

Parents or eligible students have the right to inspect and review the student's education records maintained by the school within forty-five (45) days of the day the school receives a written request for access. Parents or eligible students should submit to a school a written request that identifies the record(s) they wish to inspect. The Chief Executive Officer or designee will make arrangements for access and notify the parent or eligible student of the time and place where the record(s) may be inspected. Schools are not required to provide copies of records unless for reasons such as great distance or if it is impossible for parents or eligible students to review the records. Schools may charge a reasonable fee for copies.

Parents or eligible students have the right to request that a school amend records which they believe to be inaccurate or misleading. Parents or eligible students should write to the Chief Executive Officer clearly identifying the part of the record(s) they want amended and specify why the record is inaccurate or misleading. If a school decides not to amend the record(s) as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision in writing and advise of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures shall be provided to parents or eligible students when notified of the right to a hearing. After a hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Parents or eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by a school to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Officer
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-8520

Generally, schools must have written permission from parents or eligible students in order to release any information from a student's education records; however, FERPA allows schools to disclose that information, without consent, to the following parties or under the following conditions:

- School officials with legitimate educational interests;
- Other schools, school systems or institutions of postsecondary education to which a student is transferring;
- Authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or State and local educational authorities. Disclosures may be made in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. The entities and officials identified here may re-disclose student information to outside entities and/or individuals that are designated as "authorized representatives" to conduct an audit or evaluation, or enforcement or

compliance activity on their behalf. A designation of an “authorized representative,” other than an employee, shall be memorialized in a written agreement. The same agreement shall contain provisions intended to guard the privacy of student information. Student records for children seven (7) years or older are exempt from the use of authorized representatives for agencies running programs to improve social, emotional, and physical development.

- Appropriate parties in connection with financial aid for which a student has applied or has received, if the information is necessary to determine eligibility for aid, determine the amount of aid, determine the conditions of aid, or enforce the terms and conditions of aid;
- Organizations conducting certain studies for or on behalf of the school, to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or State and local educational authorities may re-disclose student information to organizations conducting studies identified here. Any re-disclosure of student information, whether by schools or the entities and officials identified here, requires a written agreement. The written agreement shall contain provisions intended to guard the privacy of student information.
- Accrediting organizations;
- To parents of dependent students for IRS tax purposes;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities within a juvenile justice system, pursuant to specific State law;
- **As per the Uninterrupted Scholars Act of 2013, an agency caseworker or other representative of a State or local child welfare agency has the right to access a student's records when such agency or organization is legally responsible for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, will not be re-disclosed, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure. Additionally, schools do not need to notify the parent of the release of records under a court order “when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding.”**

Schools must maintain records of each request for access and disclosure of information from a student’s education records except for disclosures to school officials with legitimate educational interests, disclosures to parties with written consent from parents or eligible students, disclosures of directory information (defined below), disclosures under select judicial orders or lawfully issued subpoenas, and disclosures to parents or eligible students. Parents and eligible students have a right to inspect and review the records of requests for access and disclosures.

Directory information means information contained in the educational record of a student, which is not considered harmful or an invasion of privacy if disclosed, so that it may be disclosed without prior parental consent unless you have advised Arts Academy Charter School (AACS) to the contrary in accordance with AACS procedures. The primary purpose of directory information is to allow the Charter School to include this type of information from your child’s education records in certain school-related publications or notices.

As part of the AACS’s annual notification under FERPA, we designate for the school year 2013 – 2014 the following types or categories of information as “directory information”:

- Student’s name
- Address
- Date and place of birth
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- The most recent educational agency or Institution attended
- Telephone listing
- Dates of attendance
- Electronic mail address

- Grade level
- Photograph
- Degrees, honors, and awards received
- Naming of the student to Honor Roll, National Honor Society or as Valedictorian
- Major field of study

Examples on how and where the AACS may disclose directory information include disclosing the directory information in the following by way of example:

- Newsletters;
- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs;
- Sports activity sheets, such as for wrestling, showing weight and height of team members;
- Companies or outside organizations that manufacture class rings or yearbooks;
- Newspapers or other news sources;
- Class lists;
- Staff and student directories and/ or listings
- School website; STI/INOW; and
- School Bulletin Boards

These examples are for illustration only and are not an exclusive list of the manner in which directory information may be disclosed. This notice provides you as a parent or eligible student with an opportunity to object in writing to any or all of those types of information that the School has designated as directory information. You have the right to refuse to permit the release by notifying the School in writing that you do not want any or all of those types of information to be designated as directory information for your child or yourself.

Please note that an opt out of directory information disclosures does not prevent AACS from identifying a student by name or from disclosing a student's name, identifier, or institutional e-mail address in class in which the student is enrolled. The right to opt out of directory information disclosures does not include a right to remain anonymous in class and may not be used to impede routine classroom communications and interactions, whether class is held in a specified physical location or on-line through electronic communications; likewise, an opt out of directory information disclosures does not prevent AACS from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that AACS designated as "directory information" for the school year 2013-2014. **ATTENTION: YOUR ACTION IS REQUIRED IF YOU WISH YOUR "DIRECTORY" INFORMATION NOT TO BE PUBLISHED.**

Please submit any refusal with the types of information you wish removed from the list of directory information along with the name(s) and grade(s) of your child(ren) and mail your written objections on or before Friday, November 1, 2013, to the Principal of Arts Academy Charter School, 1610 E. Emmaus Ave., Allentown, PA 18103.

If you have any questions regarding this notice, please call or write to the Principal of Arts Academy Charter School, 1610 E. Emmaus Ave., Allentown, PA 18103. If you do not submit a written refusal on or before November 1, 2013, then the School may disclose directory information without your prior consent.

THE CONTENT OF THIS NOTICE HAS BEEN WRITTEN IN STRAIGHTFORWARD, SIMPLE ENGLISH. IF A PERSON DOES NOT UNDERSTAND ANY OF THIS NOTICE, HE OR SHE SHOULD ASK THE PRINCIPAL FOR AN EXPLANATION. THE SCHOOL WILL ARRANGE FOR AN INTERPRETER FOR PARENTS WITH LIMITED ENGLISH PROFICIENCY. IF A PARENT IS DEAF OR BLIND OR HAS NO WRITTEN LANGUAGE, THE SCHOOL WILL ARRANGE FOR COMMUNICATION OF THIS NOTICE IN THE MODE NORMALLY USED BY THE PARENT (E.G., SIGN LANGUAGE, BRAILLE, OR ORAL COMMUNICATION). IF A STUDENT HAS A DISABILITY, ADDITIONAL INFORMATION IS AVAILABLE IN THE SCHOOL'S ANNUAL PUBLIC NOTICE OF SPECIAL EDUCATION SERVICES AND PROGRAMS AND RIGHTS FOR STUDENTS WITH DISABILITIES.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.