

**ANNUAL NOTICE OF RIGHTS REGARDING STUDENT RECORDS:  
CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION  
(34 CFR §300.622)**

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If a child is enrolled, or is going to enroll in a private school that is not located in the school district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

**ACCESS TO CONFIDENTIAL INFORMATION RELATED TO STUDENT (34 CFR §300.611)**

**1. Related to the confidentiality of information, the following definitions apply:**

a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

b. *Education records* means the type of records covered under the definition of "education records" in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).

c. *Participating agency* means any Charter School, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

d. *Personally identifiable* (34 CFR § 300.32) means information that has:

- (i) Your child's name, your name as the parent, or the name of another family member;
- (ii) Your child's address;
- (iii) A personal identifier, such as your child's social security number or student number; **or**
- (iv) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

## **2. Access Rights (34 CFR §300.613)**

### **a. Parent Access**

The Charter School must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by the Charter School under Part B of the IDEA. The Charter School must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

1. Your right to inspect and review education records includes:
2. Your right to a response from the Charter School to your reasonable requests for explanations and interpretations of the records;
3. Your right to request that the Charter School provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; **and**
4. Your right to have your representative inspect and review the records.

a) The Charter School may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

b) If any education **record includes information on more than one child**, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

c) On request, each Charter School must provide you with a **list of the types and locations of education records** collected, maintained, or used by Charter School.

### **b. Other Authorized Access (34 CFR §300.614)**

The Charter School must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The Charter School may charge a fee or copies of records (34 CFR §300.617) that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records. The Charter School may not charge a fee to search for or to retrieve information under Part B of the IDEA.

### **Amendment of Records at Parent's Request (34 CFR §300.618)**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request The Charter School to change the information. The Charter School must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the Charter School refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose.

### **Opportunity for a Records Hearing (34 CFR §300.619)**

The Charter School must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

### **Hearing Procedures (34 CFR §300.621)**

A hearing to challenge information in education records must be conducted according to the following procedures for such hearings under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1233g ("FERPA"), 34 CFR § 99.22:

- 1) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- 2) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- 3) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.
- 4) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- 5) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
- 6) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

### **Result of Hearing (34 CFR §300.620)**

If, as a result of the hearing, the Charter School decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and inform you in writing. If, as a result of the hearing, the Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, the Charter School must inform you of the right to place in the records that the Charter School maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the Charter School as part of the records of your child as long as the record or contested portion is maintained by the Charter School; **and**
2. If the Charter School discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

### **Safeguards (34 CFR §300.623)**

**The Charter School must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.**

One official at the Charter School must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding State policies and procedures regarding confidentiality under Part B of the IDEA and FERPA.

The Charter School must maintain, for public inspection, a current listing of the names and positions of those employees within The Charter School who have access to personally identifiable information.

### **Destruction of Information (34 CFR §300.624)**

- 1) The Charter School must inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child, and the information must be destroyed at the request of parents. However, a permanent record of the child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
  
- 2) In addition, as of July 2018, PDE advises that the following will occur:
  - a) one year from the date on which student results are delivered for the Pennsylvania System of School Assessment ("PSSA"), Keystone Exams, and Pennsylvania Alternative System of Assessment ("PASA"), PDE will destroy or have destroyed all test booklets; and,
  
  - b) three years from the date on which the assessment is completed for the PSSA and Keystone exams, PDE will also destroy or have destroyed all answer booklets, and, for the PASA, PDE will also destroy or have destroyed all media recordings.