



CARDINAL McCLOSKEY COMMUNITY CHARTER SCHOOL

Family Educational Rights and Privacy Act (FERPA) Policy

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) 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 certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the 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.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.

However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

The Principal shall be responsible for ensuring that all requirements under federal statutes and state Regulations pertaining to the confidentiality of student records shall be carried out by the Cardinal McCloskey Community Charter School (CMCCS).

What records are maintained

What kind of student data is subject to the confidentiality and security requirements of Education Law §2-d?

The law applies to personally identifiable information contained in student records of an educational agency listed above. The term "student" refers to any person attending or seeking to enroll in an educational agency, and the term "personally identifiable information" ("PII") uses the definition provided in FERPA. Under FERPA, personally identifiable information or PII includes, but is not limited to:

- a. The student's name;
- b. The name of the student's parent or other family members;
- c. The address of the student or student's family;
- d. A personal identifier, such as the student's social security number, student number, or biometric record;
- e. Other indirect identifiers, such as the student's date of birth, place of birth, and Mother's Maiden Name;
- f. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- g. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

What kind of student data is *not* subject to the confidentiality and security requirements of Education Law §2-d?

The confidentiality and privacy provisions of Education Law §2-d and FERPA extend only to PII, and not to student data that is not personally identifiable. Therefore, de-identified data (e.g., data regarding students that uses random identifiers), aggregated data (e.g., data reported at the school district level) or anonymized data that could not be used to identify a particular student is not considered to be PII and is not within the purview of Education Law §2-d.

PPRA Notice and Consent/Opt-Out for Specific Activities

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires **Cardinal McCloskey Community Charter School** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or the student’s parent; or
8. Income, other than as required by law to determine program eligibility.

This parental notification requirement and opt-out opportunity also apply to the collection, disclosure or use of personal information collected from students for marketing purposes (“marketing surveys”). Please note that parents are not required by PPRA to be notified about the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. Additionally, the notice requirement applies to the conduct of certain physical exams and screenings. This includes any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student. This does not include hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required by State law.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, **Cardinal McCloskey Community Charter School** will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities, an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

Annual Notification

At the beginning of each school year, CMCCS shall publish in a local newspaper a notice to parent(s) or guardian(s) and students 18 years of age or older (“eligible students”) currently in attendance of their rights under the Family Education Rights and Privacy Act (“FERPA”) and the procedures for pursuing them. CMCCS shall also send home a bulletin listing these rights and procedures, which will also be included with a packet of material provided parents or an eligible student when the student enrolls during the school year.

The notice must include a statement that the parent or eligible student has a right to:

1. Inspect and review the student’s education records;
2. Be assured that the school intends to limit the disclosure of personally identifiable information contained in a student’s education records except

- a. By prior written consent of the student's parent(s) or guardian(s) or the eligible student;
 - b. As directory information; or
 - c. Under certain limited circumstances, as permitted by FERPA.
3. Request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
 4. File a complaint with the U.S. Department of Education alleging failure of the district to comply with FERPA and its regulations; and
 5. Request and receive information regarding the procedure for exercising the right to inspect, review, and request amendment of student records.

The policy applicable to the release of student **directory information** (see 2. b above) applies equally to military recruiters, the media, colleges and universities, and prospective employers. Directory information includes, but is not limited to, the following: the student's name, parents' names, address, telephone number, date and place of birth, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and most recent educational institution attended. Parents and eligible students may choose not to allow the school to release directory information.

CMCCS shall arrange to provide translations of this notice, where necessary, to parents and eligible students in their native language or dominant mode of communication.

Procedures for locked storage/secure handling of student files in school, or password protected files if electronic

In order to assure compliance with FERPA, the following procedure are in place:

- All student data files and information will be password protected on computers. All physical files are locked in file cabinets that are only accessible to personnel granted with access.

Personnel with Access

Jennifer Fedele-principal
 Edrick Browne-director of operations
 Kathrine Prieto-office manager
 Grace Bendick-compliance officer
 Allyn Thompson-director of curriculum

- Any student information/files transmitted to other appropriate recipients will also be protected. Information files must be encrypted and password protected.
- Student information/files may be faxed to appropriate personnel, but only to secure sites.
- Parental consent is required for the release of any personally identifiable information other than those specifically detailed on page 2 under *What kind of student data is not subject to the confidentiality and security requirements of Education Law§2-d*

General Reference:

Family Educational Rights & Privacy Act 20 USC 1232-g; 34 CFR Part 99
Education Law §§2(13); 225; 301
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A
Civil Practice Law and Rules §§2303; 2307

- ADOPTED: 4/15/19 revised 7/18/19