

REGULATION OF THE PRINCIPAL

Category: **STUDENTS**

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Subject: ACCESS TO STUDENT RECORDS

SUMMARY

This regulation sets forth standards for accessing students' educational and health records at Fei Tian Academy of the Arts-Middletown (FTAA-MT), and establishes the procedures for obtaining, reviewing, and returning records.

EDUCATIONAL RECORDS

Educational records include, but are not limited to, the cumulative file and disciplinary records.

Educational records do not include records that are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Education records do not include emails, unless the emails have been printed off and are maintained in a student's education record.

The cumulative educational record of each student is maintained at the school's administrative office. The principal, individual teachers, and guidance counselor personnel may also have files containing particular educational records.

The Health Services department will maintain all health and immunization records.

RIGHT TO INSPECT EDUCATIONAL RECORDS

Parents or eligible students may inspect and review educational records. FTAA-MT will comply with a request for access to records within a reasonable period of time, but in no case more than forty-five (45) calendar days after it has received the request. The school will respond to reasonable requests for explanations and interpretations of the records.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review education records, the school will provide a copy of the requested records or make other arrangements for the inspection and review of the requested records.

The school may charge the parent or eligible student the actual costs for copying the records unless payment of such cost is determined to effectively preclude the parent or eligible student from having access to the educational records.

The school will not destroy requested educational records if there is an outstanding request to inspect and review those records.

DISCLOSURE OF STUDENT RECORDS TO NONCUSTODIAL PARENT

A noncustodial parent's access to records and information pertaining to his or her minor child will not be denied solely because the parent is not the child's custodial parent. However, information concerning a minor child's home address will be deleted from all records supplied to a noncustodial parent if the custodial parent has advised the school in writing to do so.

PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally identifiable information (PII) will not be released from an educational record without the prior written consent of the parent or eligible student, except under specific circumstances. PII includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier such as the student's social security number, student number, or biometric record;
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. A list of personal characteristics that would make the student's identification easily traceable; or

Other information that would make the student's identity easily traceable.

RELEASE OF INFORMATION WITHOUT PRIOR CONSENT

Personally identifiable information may be disclosed without prior written consent of the parent or eligible student under the following conditions:

1. To teachers or other school officials who have a legitimate educational interest.
2. To officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll or where the student is enrolled.
3. To authorized representatives of federal, state, and local educational authorities in connection with audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements related to those programs.
4. In connection to the application for or receipt of financial aid.
5. To state and local juvenile justice systems or their officials.
6. To an agency caseworker or other representative of a state or local child welfare agency, or tribal organization, when the state or tribal organization is legally responsible for the care and protection of the student.
7. To organizations conducting studies for, or on behalf of, this school to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction.

ACCESS LOG

This school will maintain a record of each request for access to and each disclosure of PII from the educational record of each student. This access log (Exhibit A) will be maintained with the student's educational records as long as the records are maintained. The access log will specify the individuals who have requested or received personally identifiable information from the educational records and the legitimate educational interest the parties had in requesting or obtaining the information. If the information was released without prior parental consent, the specific exception for such consent will also be set forth.

A record will not be kept when a student's record is accessed by the parent or eligible student or a school official with legitimate educational interest, a written consent has been received from the parent or eligible student, a request is received for directory information only, or the district is ordered to not disclose the request for records.

DIRECTORY INFORMATION

Directory information includes, but is not limited to:

1. Student name;
2. Address;
3. Telephone listing;
4. Electronic mail address (e-mail);
5. Photographs of the student used by the school for recognition of student achievement and community relations, including, but not limited to, publication in the school's newsletters, in the school setting, and on the school's web site;
6. Date and place of birth;
7. Major field of study;
8. Grade level;
9. Enrollment status;
10. Participation in officially recognized activities such as sports;
11. Weight and height of members of athletic teams;
12. Dates of attendance;
13. Degrees, honors, and awards received;
14. The most recent previous school, school district, or institution attended; and
15. A student identification number, user identification, or other unique personal identifier, but only if the identifier cannot be used to access education records.

DISCLOSURE OF DIRECTORY INFORMATION

This school may disclose directory information after giving written, public notice annually to parents of students in attendance and eligible students in attendance that:

1. All information in the definition of directory information as set forth in this regulation has been designated as directory information by this school;
2. A parent or eligible student has the right to refuse to allow this school to designate any or all of the types of information about the student as directory information, except that the school cannot be prevented from disclosing or requiring a student to disclose the student's name, identifier, or email address in a class in which the student is enrolled, or prevent the school from requiring a student to wear, to display publicly, or to disclose a student identification card or badge that contains directory information.
3. If a parent or eligible student does not want any of the directory information about the student released, the parent or eligible student must notify this school in writing within thirty (30) calendar days after receiving notice that directory information may be disclosed.
4. The school will provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a parent or secondary school student requests, in writing, that the student's name, address, and telephone listing not be released without prior written parental consent.

The school may disclose directory information about former students without notice. However, the school will continue to honor any valid request for non-disclosure of directory information.

PROCEDURE TO AMEND RECORDS

If a parent or eligible student believes that the educational records relating to the student contain information that is inaccurate, misleading, or in violation of the student's right of privacy, they may seek to amend the record. The right to seek amendment cannot be used to challenge a grade or an individual's opinion (unless the grade or the opinion has been inaccurately recorded) or a school's decision to create or maintain particular education records. When a request to amend educational records is received, it will be reduced to writing and the following procedure will be followed:

Review Process

1. Within thirty calendar (30) days of receiving a request to amend the record, this school, through its designee, will determine whether the information contained in a

record is inaccurate, misleading, or in violation of the student's right of privacy. If the school determines that the requested amendment is appropriate, it will correct the record and provide written notice of the changes to the parent or eligible student.

2. If this school determines that the information is not inaccurate, misleading, or in violation of the student's right of privacy, it will inform the parent or eligible student, in writing, of its decision, the reasons why it denied the request to amend the record, and the right to a hearing.

Hearing Process

1. The parent or eligible student, on request, has an opportunity for a hearing to challenge the contents of the student's educational records on the grounds that the information contained in the educational records is inaccurate, misleading, or in violation of the privacy rights of the student.
2. This school will hold the requested hearing within thirty (30) school days after it receives a request for the hearing. Notice of the date, time, and place will be given to the parent or eligible student at least ten (10) school days prior to the hearing.
3. Any individual, including a FTAA-MT employee who does not have a direct interest in its outcome, may conduct the hearing. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues raised at the hearing. The parent or eligible student may, at her own expense, be assisted or represented by an individual of his or her own choice, including an attorney.
4. The individual conducting the hearing is not bound by common law or by the rules of evidence. Evidence will be admitted and given weight only if it is the kind of evidence which reasonable persons are accustomed to rely on in the conduct of serious affairs.
5. The hearing officer will make his/her decision in writing within fourteen (14) school days after the close of the hearing. The decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. The hearing officer's decision will be the final decision of this school.

- 6. If the hearing officer concludes that the information being contested is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the school will amend the records at issue and inform the parent or eligible student of the amendment in writing.

- 7. If the hearing officer concludes that the information in the educational record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the school will inform the parent or the eligible student of the right to place a statement in the record commenting on the contested information stating why he or she disagrees with the school's decision. If such a statement is received by FTAA-MT, it will remain as part of the record for as long as the student's record is maintained and the statement will be disclosed whenever this school discloses the portion of the record to which the statement relates.

INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	Administrative Office	Email:
1+ (845) 341-1935	42 Jason Place	contactus@feitianacademy.org
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