

STUDENT RECORDS POLICY

Parent(s)/guardian(s) and eligible children (i.e., students 18 and older) have privacy rights relevant to the collection, maintenance, release and destruction of records as required by the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g, 34 C.F.R. part 99, the No Child Left Behind Act of 2001, and Pennsylvania Chapters 711-(Special Education Services and Programs) and 12-(Student Rights and Responsibilities).

Annual notice of this policy is given on Westinghouse Arts Academy Charter School's website, in the student handbook, and is available in the main office.

The different categories of information maintained by Westinghouse Arts Academy Charter School are as follows: educational and health records, personally identifiable information, and directory information. Information known as directory information can be released without consent. Parents may opt out by requesting in writing to Principal that some or all directory information not be released.

Definitions and Procedures

Educational records include records directly related to a student that are maintained by Westinghouse Arts Academy Charter School. The educational records of Westinghouse Arts Academy Charter School may include all of the following (this list is not intended to be exhaustive): grades, standardized test results, student evaluation reports, samples of student work, records transferred from sending schools, discipline records, medical records and any other records created and maintained by Westinghouse Arts Academy Charter School directly related to the student. Educational records do not include communications with legal counsel that are attorney client privileged. Educational records do not include records maintained solely by the creator for their personal use, not shared with others. The contents of a student's educational file shall be determined by Westinghouse Arts Academy Charter School unless a specific parental request is made or a complaint is made, consistent with the Annual Notice.

Westinghouse Arts Academy Charter School shall permit the parent/guardian(s) of a student or an eligible special education student, who is or has been in attendance in Westinghouse Arts Academy Charter School, to inspect and review the education records of the student upon written request. Westinghouse Arts Academy Charter School will comply with a written request to review records within a reasonable period of time (never to exceed 45 calendar days from the date of written request) after the request has been made. When there are special cases and where necessary, a parental request to review records will be granted and arranged as soon as possible. Visits to review a student's records shall be arranged and facilitated by the building principal or designee, or any party selected by Westinghouse Arts Academy Charter School, for the purposes of security and assistance in explaining or interpreting the data. The right to inspect and

review education records includes:

1. The right to a response from Westinghouse Arts Academy Charter School to reasonable requests, made in writing, for explanation and interpretations of the record; and
2. The right to obtain copies of records from Westinghouse Arts Academy Charter School where failure of Westinghouse Arts Academy Charter School to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the educational records (e.g., where the parent lives too far to come review the records personally). *A reasonable fee of .25 will be charged per page for duplicate copies of documents already provided to parents/guardians.*

In accordance with FERPA, Westinghouse Arts Academy Charter School will not produce or compile documentation that does not already exist.

Westinghouse Arts Academy Charter School assumes that both natural parent/guardian(s) of a student have authority to inspect and review (by appointment) the education records of the student at the child's school unless there is evidence that there is a legally binding instrument, a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary. A Westinghouse Arts Academy Charter School designee will sit with the parent when the parent reviews the records in a private conference area of the main office.

Under federal law, parental consent is not required for the release of Directory information, which is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to:

1. The student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.
2. Directory information does not include a student's
 - a. Social security number; or
 - b. Student identification (ID) number, except as provided in paragraph (3) of this section.
3. Directory information includes a student ID number, user ID, or other

unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

A written record of this information, or electronic copy of the same, including grade level completed and year completed, may be maintained at least 100 years after a student attains age 21. A parent/guardian or eligible student may notify Westinghouse Arts Academy Charter School in writing of their refusal to allow Westinghouse Arts Academy Charter School to release directory information without prior consent. Such written refusal for consent must be sent to the Principal, Westinghouse Arts Academy Charter School, 320 Marguerite Avenue, Wilmerding, PA, 15148.

Pursuant to Section 9528 of the *No Child Left Behind Act*, Westinghouse Arts Academy Charter School is required to release student directory information (access to names, addresses, and phone numbers of high school juniors and seniors) to military recruiters and college admissions officers. The *No Child Left Behind* law requires high schools to release information to colleges or other higher learning institutions upon request. Any parent/guardian or student who has reached age eighteen may notify Westinghouse Arts Academy Charter School in writing of his/her refusal for this information to be released. Letters seeking the withholding of information to military recruiters should be sent to the Principal, Westinghouse Arts Academy Charter School, 320 Marguerite Avenue, Wilmerding, PA, 15148.

Student medical records, per federal guidance, maintained by the nurses' office, are considered educational records and will be shared with staff who Westinghouse Arts Academy Charter School determines have a legitimate educational interest in the information and a need to know medical information to protect the safety and health of the student. Once provided to Westinghouse Arts Academy Charter School, specific parental consent will not be sought to share information on a need to know basis. Parental requests to maintain the confidentiality of specific medical information must be made in writing to the nurse's office. Requests for complete confidentiality of medical information will be granted at the discretion of the nurse. These requests will be granted unless dangerous to the student.

If Westinghouse Arts Academy Charter School reported a crime committed by a student with a disability, Westinghouse Arts Academy Charter School will ensure that copies of the special education records and disciplinary records of the student will be transmitted properly and only to the extent possible that the transmission is permitted by the FERPA.

Westinghouse Arts Academy Charter School can communicate about sex offenders from agency to agency.

Westinghouse Arts Academy Charter School shall obtain the written consent of the parent(s)/guardian(s) of a student age eighteen (18) before disclosing personally identifiable information, other than directory information, from the education records of a student to a third party. Consent is not required where the disclosure is to the parent/guardian(s) of a student who is not an eligible student or the student himself or herself.

Personally identifiable information 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. 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
7. Information requested by a person who Westinghouse Arts Academy Charter School reasonably believes knows the identity of the student to whom the education record relates.

Uses Westinghouse Arts Academy Charter School may disclose personally identifiable information from the education records of a student without written consent of the parent/guardian(s) or the student or the eligible student in several situations. See 34 C.F.R. Part 99. Some examples of when no consent to release information is needed include but are not limited to:

1. To other school officials, including teachers, guidance counselors, nurses, and I.U. personnel within Westinghouse Arts Academy Charter School who have been determined by Westinghouse Arts Academy Charter School to have legitimate educational interests or are providing instruction or services to students. Westinghouse Arts Academy Charter School has determined that all school employees involved in the direct supervision of a student (academic or non-academic, including support staff) have a legitimate education interest in academic and health related student information if the information is necessary to ensure appropriate fulfillment of their professional duties and to ensure the health and safety of the student.

2. To officials of another school or school system or post-secondary schools in which the student seeks or intends to enroll, subject to the requirements of federal regulations. Parents may request a copy of the record sent.
3. To appropriate parties in a health or safety emergency, subject to the conditions listed in federal regulations, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
4. Information designated by Westinghouse Arts Academy Charter School as directory information.
5. Generally, schools must have written permission from the parent/guardian 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):
 - Specified officials for audit and evaluation purposes
 - Appropriate parties in connection with financial aid to a student
 - Organizations conducting studies for or on behalf of the school
 - Accrediting organizations
 - Judicial order or lawfully issued subpoena
 - State and local authorities, within the juvenile justice system, pursuant to specific state law
 - Contractor, consultant, volunteer, or other party to whom Westinghouse Arts Academy Charter School has outsourced institutional services or functions may be considered a school official if the party
 1. Performs an institutional service or function for which Westinghouse Arts Academy Charter School would otherwise use employees;
 2. Is under the direct control of Westinghouse Arts Academy Charter School with respect to the use and maintenance of education records; and
 3. Is subject to the requirements of § 99.33(a) governing the use and disclosure of personally identifiable information from education records.

Westinghouse Arts Academy Charter School will use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

When providing records to authorized third parties, Westinghouse Arts Academy Charter School will make a reasonable attempt to notify the parent/guardian(s) of the student or the eligible student of the transfer of the records at the last known address of the parent(s)/guardian(s) or eligible student. Per state law, Westinghouse Arts Academy Charter School will not provide any notice of transfer of records of a student to a school in

which a student seeks or intends to enroll.

Westinghouse Arts Academy Charter School maintains student records in the main office and counseling office. Special education student records, student health records, and 504 student service plans are kept in separate locked files in the school.

PLEASE NOTE: WESTINGHOUSE ARTS ACADEMY CHARTER SCHOOL MAY DESTROY RECORDS UNDER THE FOLLOWING CIRCUMSTANCES AND TIMELINES

1. Records that include a student's name, address, grades, attendance records, classes attended, grade level completed and year completed may be destroyed once 100 years have passed since the student's 21ST birthday.
2. Special education records, Section 504 records, Response to Intervention (RTI) records, and health records may be destroyed once 10 years have passed from the date a student has graduated or reached graduation age (if exiting Westinghouse Arts Academy Charter School before graduation) as long as there is no outstanding request to inspect and review the records and the records are no longer deemed useful to the school.
3. Notice of destruction of these records is provided annually. Educational records of a student are no longer needed by Westinghouse Arts Academy Charter School to provide educational services at the end of one year following a student's graduation from Westinghouse Arts Academy Charter School. A parent/guardian may submit a written request for the destruction of all education records at that time.
4. Destruction will proceed where parents or eligible students have not requested copies by November 1st of the year the records may be destroyed. Parents or students over eighteen (18) have the right to request a copy of the records before destruction.

Parents are reminded that copies of the records might be needed for the acquisition of Social Security benefits or for other purposes.

Amendment of Education Records A parent/guardian or eligible student has the right to request amendment of a student's educational file if it is believed that any information is inaccurate or in violation of a student's rights. Westinghouse Arts Academy Charter School shall decide within a reasonable time whether to amend the record. If Westinghouse Arts Academy Charter School decides not to amend the educational record it shall notify the parent/student of the right to and arrange an informal hearing. The hearing will be conducted by an official of Westinghouse Arts Academy Charter School without an interest in the outcome, who will be either the Principal or his/her designee. The parent may present relevant evidence. Westinghouse Arts Academy Charter School will issue a written decision based on the hearing. Informal inquiries may be sent to: ferpa@ed.gov or ppra@ed.gov. The website address is www.ed.gov/policy/gen/guide/fpcd

Complaints regarding violation of rights accorded parent(s)/guardian(s) and eligible students with respect to student records are to be submitted, in writing to Principal, Westinghouse Arts Academy Charter School Charter School, 320 Marguerite Avenue, Wilmerding, PA 15148. All complaints will be investigated and responded to in writing within a reasonable period of time. If complaints cannot be satisfactorily resolved by Westinghouse Arts Academy Charter School , complaints can be filed with the following:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605

Questions regarding the above information or requests for a copy of the records policy may be referred to the Principal, Westinghouse Arts Academy Charter School Charter School, 320 Marguerite Avenue, Wilmerding, PA 15148.