

MACS DATA & RECORDS RETENTION POLICY

Approved: 8/29/17

The Director of the MicroSociety Academy Charter School (MACS) shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by law. Additionally, the Director shall develop procedures necessary to protect individual rights and preserve confidential information..

ACCESS TO STUDENT RECORDS - FERPA

General Statement. It is the policy of the MACS Board of Trustees that all school personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the Board of Trustees that all school personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.

Definitions:

Education Record. In accordance with FERPA, the term “educational record” is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school; or by such other agents as may be acting for the school.

Parent. Includes a parent, guardian, or an individual given the legal right to act as a parent of a student in the absence of a parent or guardian.

Eligible Student. A student who has attained eighteen years of age, or is attending an institution of postsecondary education.

Directory Information. In accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term “directory information” refers to information that is generally available through various sources and is often reported in student directories, athletic programs, and news releases.

Directory Information may include, but not be limited to, the following:

- Student's name, address, telephone number date and place of birth, dates of enrollment
- Parents'/guardians' name and address
- Students' grade level, enrollment status and dates of attendance
- Students' photograph
- Students' participation in recognized school activities and sports
- Weight and height of members of athletic teams
- Students' diplomas, certificates, awards and honors received

Personally Identifiable Information. “Personally identifiable information” is defined as data or information which makes the subject of a record known, including a student’s name, the student’s or student’s family’s address; the name of the student’s parent or other family members; a personal identifier such as a student’s

Social Security number; the student's date of birth, place of birth, or mother's maiden name; or 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 a reasonable certainty or information requested by a person who the School reasonably believes knows the identity of the student to whom the education record relates.

Process

FERPA Rights: Parents will be informed annually of the following via the school handbook:

- (1) The rights of parents or eligible students to inspect and review the student's education records;
- (2) The intent of the School to limit the disclosure of information in a student's record, except:
 - (a) by the prior written consent of the parent or eligible student;
 - (b) as directory information; or
 - (c) under certain, limited circumstance, as permitted by law;
- (3) The right of a student's parents or an eligible student to seek to correct parts of the student's educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the School decides not to alter them according to the parent's or eligible student's request;
- (4) The right of any person to file a complaint with the United States Department of Education if the School violates FERPA; and
- (5) The procedure that a student's parents or an eligible student should follow to obtain copies of this policy.

Procedure To Inspect Education Records.

Parents/eligible students should submit to the Director a written request that identifies as precisely as possible the record or records that he/she wishes to inspect. The Director will contact the parents or the eligible student to make the needed arrangements as soon as possible and notify the parent or eligible student of the time and place where the records may be inspected, or when copies will be provided, when appropriate. This procedure must be completed within 30 days or earlier after the Director's receipt of the request for access.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students or incident reports/records containing the names of other students. If such records do contain the names of other students, the Director will make a copy of the record requested and remove Personally Identifiable information regarding other students.

Procedures To Seek Correction of Education Records. Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. To establish an orderly process to review and correct the education records for a requester, following processes are established.

1. First-level decision. When a parent or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request to the School asking for the record to be corrected.

If the Director believes that the record should not be changed, he/she shall:

- Provide the requester with a written statement regarding why the Director will not make the change, a copy of the record requested in its original state, as well as the process for appealing the Director's decision.

2. Second-level decision. If the parents or eligible student are not satisfied with the Director's decision, they may submit a written request for a hearing before the Board, in keeping with Board Policies.

Disclosure of Student Records and Student Information. In addition to directory information, the District may disclose student records and student information without consent to the following parties or under the following conditions.

1. School Officials With a Legitimate Educational Interest. School officials with a legitimate educational interest may access student records. "Legitimate education interest" refers to school officials or employees who need to know information in a student's education record in order to perform the employee's employment responsibilities and duties.
2. Other schools into which a student is transferring or enrolling.
3. Officials for audit or evaluation purposes.
4. Appropriate parties in connection with financial aid.
5. Organizations conducting certain studies for, or on behalf of the school district. Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction.
6. Accrediting organizations.
7. Judicial orders or lawfully issued subpoenas.
8. Health and safety emergencies.

Maintenance of Student Records and Data. The Administrative team is responsible for record maintenance, access, and destruction of all student records. All School personnel having access to records shall place great emphasis upon privacy rights of students and parents.

Disclosures Made From Education Records. The School will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records.

The record includes:

1. The name of the person who or agency which made the request;

2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made and
5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

The School will maintain this record as long as it maintains the student's education record or for 3 years after the student's withdrawal or transfer from MACS to another institution.

The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student, requests for access or access granted to officials of the School who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s) or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

Legal References:

RSA 91-A:5,III, Exemptions, Pupil Records

RSA 189:1-e, Directory Information

20 U.S.C. §1232g, Family Educational Rights and Privacy Act

34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations