

Mariana Bracetti Academy Charter School
2501 Kensington Avenue
Philadelphia, PA 19125
Board of Trustees Policy

Student Records Policy

2024-2025

I. Purpose

The Mariana Bracetti Academy Charter School recognizes the need to protect the privacy rights of students and their parents. Mariana Bracetti Academy Charter School will adhere to the provisions of state and federal law pertaining to those privacy rights, including but not limited to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as amended, and its accompanying regulations; the Individuals with Disabilities Education Act ("IDEA"), as amended, and its implementing regulations; the Pennsylvania Public School Code of 1949, and Chapter 12 of the Pennsylvania Administrative Code containing the regulations of the Pennsylvania State Board of Education. The CEO of Mariana Bracetti Academy Charter School is designated as the Administrator responsible for the maintenance, access and release of student records and the maintenance, access and release of academic records.

The CEO shall be responsible for the implementation of this policy.

II. Definition of Terms

- A. The term "disclosure" means permitting access to or the release, transfer or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written or electronic means. 34 C.F.R. § 99.3.
- B. The term "educational institution" or "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any federal program referenced in applicable law. The term refers to the agency or institution recipient as a whole, including all of its component parts. 20 U.S.C. § 1232g(a)(3).
- C. The term "education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. The record can be recorded in any form, including but not limited to, handwriting, print computer

media, electronic files, electronic mail, video or audio tape, film, microfilm and microfiche. The term does not include:

1. 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.
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of 34 C.F.R. § 99.8;
3. Records relating to an individual who is employed by an educational agency or institution that:
 - a) Are made and maintained in the normal course of business;
 - b) Relate exclusively to the individual in that the individual's capacity as an employee; and;
 - c) Are not available for use for any other purpose;

However records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and are not excluded under this provision.

4. Records on a student who is eighteen years of age or older, or is attending an institution of post-secondary education that are:
 - a) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in her professional capacity or assisting in a professional capacity;
 - b) Made, maintained or used in connection with the treatment of the student; and
 - c) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
5. Records that only contain information pertaining to time periods after the individual is no longer a student at Mariana Bracetti Academy Charter School. 20 U.S.C. § 1232g(a)(4).

- D. The term "Mariana Bracetti Academy Charter School" means the Mariana Bracetti Academy Charter School and its officers, employees and agents, individually or collectively. The term does not include any other public or private school or other educational agency, or any officer, employee or agency thereof, at which Mariana Bracetti Academy Charter School students are enrolled or from which Mariana Bracetti Academy Charter School students receive services. 24 P.S. § 17-1715A.
- E. The term "student" except as otherwise means any school-age person who is attending Mariana Bracetti Academy Charter School and with respect to whom Mariana Bracetti Academy Charter School maintains education records. 20 U.S.C. § 1232g(a)(6).
- F. The term "eligible student" means a student who has attained eighteen (18) years of age, or is attending an institution of post-secondary education. Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the permission or consent shall be required of, and the right accorded to the student, except that the parent of an exceptional child or a disabled child as defined by state and federal law or a parent who claims the student as a dependent under Section 152 of the Internal Revenue Code of 1986 shall have the right of access to the student's records and information contained therein (as provided in Section IV.A.).
- G. The term "parent" means a natural or lawfully-adoptive parent or legal guardian of a student, or a surrogate parent appointed in accordance with 34 C.F.R. § 300.515 of the regulations implementing Part B of the Individuals with Disabilities Act, or a person acting as a parent who is supporting a student gratis and has signed an affidavit assuming educational responsibility for the student in accordance with Section 1302 of the Public School Code, 24 P.S. § 13-1302. Mariana Bracetti Academy Charter School shall afford to any person who qualifies as a "parent" under this section all of the rights afforded to parents by this policy or by any state or federal law, unless the responsible administrator receives and has reasonable opportunity to review a lawful custody order, divorce decree, separation agreement or similar document expressly terminating the right of that person to receive or have access to the student's records. 34 C.F.R. § 99.4. Mariana Bracetti Academy Charter School does not assume responsibility for the discovery or location of such documentation.

- H. The term "directory information" means any of the following personally--identifiable information when, in the judgment of the responsible administrator, the release of such information would not be harmful to or constitute an invasion of privacy for the student or his or her family; the student's name, address, telephone number, date and place of birth, dates of attendance or participation in Mariana Bracetti Academy Charter School program, date of graduation, and similar information. 20 U.S.C. § 1232g(a)(5)(A).
- I. The term "school official with a legitimate educational interest" means
1. Any person in one or more of the following positions:
 - a) the Chief Administrative Officer and his or her specifically authorized designees;
 - b) the responsible administrator and his or her specifically-authorized designees;
 - c) the CEO of any building to which the student is assigned and any other administrators employed by Mariana Bracetti Academy Charter School who are responsible for the administration of programs in which the student is enrolled or participating;
 - d) instructional staff, counselors, psychologists, social workers, educational diagnosticians, psychiatrists, program specialist, therapists, physicians, and nurses who are employed or used by Mariana Bracetti Academy Charter School and are involved in the provision of education other services to the student;
 - e) attorneys or similar legal representatives of Mariana Bracetti Academy Charter School, when the attorneys or legal representative is providing advice to Mariana Bracetti Academy Charter School concerning the education or discipline of the student or where the records are relevant or thought to be relevant to the legal matter for which the attorney or legal representative is being consulted;
 - f) members of any Charter School student assistance program team to which the student is referred, including members who are not employed by Mariana Bracetti Academy Charter School;
 - g) special education due process hearing officers and administrative review officers designated by the Secretary of Education for the Commonwealth of Pennsylvania.

2. A school official has a legitimate educational interest in personally identifiable information when access to that information is required for the effective, efficient or proper provision of education or other services to the student to whom the information pertains or with respect to required investigations, administrative or legal proceeding. Mariana Bracetti Academy Charter School shall maintain for public inspection and for access under Section IV.A.4 of this policy a list of the names and positions of school officials who are entitled to disclosure under this paragraph. 20 U.S.C. § 1232g(b)(1)(A).
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- J. The term "destruction" or "destroy" means the physical destruction, obliteration or permanent removal of all or any portion of the information in a student record. Permanent removal of a record from the custody, care and control of Mariana Bracetti Academy Charter School shall constitute destruction of that record even if the information contained therein is maintained-by another agency or entity.
 - K. The term "record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, microfiche. 34 C.F.R. § 99.3.
 - L. The term "applicable law" shall mean all statutes and regulations applicable to the student records that are in effect when any action is taken or is to be taken and shall include, but not necessarily be limited to, the Family Education Rights and Privacy Act, the Code of Federal Regulations, Title 34 Part 99, the United States Code § 1232 and the regulations of the Pennsylvania State Board of Education at 22 Pa. Code §§ 12.31 et. seq.
 - M. The term "Review Panel" shall mean a panel created by the Board of Trustees composed of qualified professional personnel to determine the validity of Category "C" data and to provide for parental challenges of such data on occasion where their transfer to Category "B" is held to be desirable. Panel members should not be limited to school employees.
 - N. The term "Personally Identifiable Information" shall mean information that includes the student's name, parent names, family members, address, social security number, student ID, or other identifiers that can identify the student.

III. Collection of Student Records

Policy on Collection of Student Records: Mariana Bracetti Academy Charter School shall collect student records for legitimate educational purposes with appropriate consent from parents or eligible students as required by law. No information shall be collected from students without either prior representational consent of the School Board or informed individual consent from the parent and/ or students.

Procedures:

A. Consent

1. Prior Consent

Prior to the collection of anecdotal materials for the purpose of preparing reports, informed consent of the parent or eligible student must be requested, except as indicated in subparagraph i. below.

a) Representational Consent - Representational consent is hereby granted to the appropriately elected school representatives and may satisfy the principle of consent for gathering of information which does not require individual consent by the parent or eligible student under state and federal law. 22 Pa. Code § 12.33 (Guideline 1.1).

1. The Board of Trustees shall have the authority to grant consent for the collection of all Category "A" (and Category "B" information as stated below.

2. In situations in which representational consent is sufficient, students and their parents shall be informed in advance, by school officials, annually of the purposes and character of the information collection and shall be given reasonable opportunity by the Board of Trustees to contest the necessity or desirability of the collection process or the proposed use of the information.

b) Individual Consent - If individual consent by the parent of eligible student is required by state and federal law, prior to

gathering such information, such consent shall be obtained in writing. 22 Pa. Code § 12.33 (Guideline 1.2).

1. Individual consent from parents and/or "eligible" students shall be required for all Category "C" information as stated below:
 - a. Prior to the requesting of individual consent, parent shall be fully informed, in writing, as to the method by which the information will be collected.
 - b. The uses to which it will be put;
 - c. The methods by which it will be retained; and the persons to whom it will be retained;
 - d. The persons to whom it will be available, and under what conditions.
 - e. If the above explanations are impossible or undesirable, the reasons shall be presented.
 - f. In all situations where individual consent is obtained, it shall be in writing.
2. Special situations where the principle of informed consent cannot be met, as for example in the course of interviews by school personnel, the following procedures will be followed:
 - a. The school will inform the student as fully as possible about the data that is likely to be obtained;
 - b. The school will stress the voluntary nature of the student's participation;
 - c. Where reasonable doubts exist as to the capacity of the student to understand the implications of the situation, either because of the student's age or other circumstances, parental permission will be sought before proceeding. In addition, where a student clearly in need of intervention declines to

participate, the professional involved will seek parental consent.

- d. In either case, if parental consent cannot be obliged or is not given, further steps to provide assistance will be initiated only if:
 - i. The guidance counselor or designated school official is entirely convinced, giving full attention to the privacy interests involved, that intervention is imperative;
 - ii. both the student and parents have been fully informed to the extent that is possible;
 - iii. and appropriate school authorities such as the school's review panel has consented.

C. Information Collected for Non-School Purposes

1. Where the information and/ or data to be collected are for non-school purposes, either by school personnel or outsiders then the above recommendations shall be fully applied with the further provision that prior informed consent must be obtained from the responsible school authorities.
2. In cases where the information is to be collected under conditions of anonymity, the collecting agency must still obtain the appropriate form of consent. The school authorities shall establish procedures for regulating the collection of such information, including the following:
 - a) Notification to the students and parents that their participation is voluntary.
 - b) Careful review of the instruments and procedures to be used for any such information collection to determine whether the methods and/ or inquiries constitute a significant potential invasion of privacy, even though the information is to be collected under conditions of anonymity.
3. The Charter shall obtain individual consent in writing for collecting sensitive information unless representational consent is deemed sufficient under state and federal law.

D. Types of Information Collected:

1. Basic Information: Student name, address, birth date, sex, date of entry, and withdrawal.
2. Academic Records: Grades, class rank, standardized achievement test results.
3. Health Information: Immunization records, health screenings.
4. Behavioral Records: Attendance records, disciplinary actions.
5. Special Education Records: IEPs, 504 plans, evaluations.
6. Family Information: Parent names, contact information, custody documents.
7. Other Records: Extracurricular activities, awards, and recognitions.

A. Notification

1. Parents and eligible students shall be notified annually of their rights under the Family Educational Rights and Privacy Act of 1974 ("FERPA"). The notice must inform parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.

The notice must inform parents or eligible student that they have the right to:

- a) Inspect and review the student's education records;
- b) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights;
- c) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and § 99.31 authorize disclosure without consent; and

- d) The procedure to file complaints for non-compliance concerns.
- e) The parent or eligible student who wishes to file a complaint with regard to compliance of this policy may do so contacting the Chief Administrative Officer.
- f) If further appeal is necessary, the parent or eligible student may contact the Family Educational Rights and Privacy Act Officer, Department of Education, Washington, D.C. 20202-4605. 34 C.F.R. § 99.7.

2. A listing of the types, content and location of education records maintained by Mariana Bracetti Academy Charter School shall be made available annually to include the names, titles, and addresses of the school officials responsible for such records.

3. The annual notification shall be accomplished by publication in the local newspaper and distributed to parents of currently attending students.

4. The notification shall provide clear explanations to parents and students regarding the methods, uses, retention, and availability of the collected information. Further, Mariana Bracetti Academy Charter School shall utilize consent forms that are understandable and accessible to all parents, including those with disabilities or limited English proficiency.

E. CLASSIFICATION OF INFORMATION COLLECTED

All information collected in the pupil record shall be classified as follows:

1. Category "A" Information

This category includes official administrative records that constitute the minimum personal information necessary for the operation of the educational system. If collected, it shall include the following items:

- a) The student's name, address, telephone number, birth date, sex, date of entry, and date of withdrawal;
- b) Standardized Achievement Test results;
- c) The student's grades and class rank;
- d) The student's record of participation in school activities, awards, etc.
- e) The names and addresses of parents or guardians and other family background of non-confidential nature.

These records should be maintained for at least 100 years.

2. Category "B" Information

This category includes verifiable information of clear importance, but not absolutely necessary to the school, over time, in helping the child or protecting others. If collected, it shall include the following items:

- a) Scores on standardized intelligence and aptitude test;
- b) Students Health data;
- c) Interests inventories;
- d) Family background information;
- e) Systematically gathered teacher or counselor ratings and observations;
- f) Verified reports of serious or recurrent behavior patterns.

3. Category "C" Information

This category will includes potentially useful information but not yet verified or clearly needed beyond the immediate present. This information is highly confidential information and should be reviewed at least once a year and destroyed as soon as their usefulness is ended or transferred to Category "B".

Transfer to Category "B" may be made if two conditions are met, namely,

- a) The continuing usefulness of the information is clearly demonstrated, and
- b) Its validity has been verified, in which case parents must be notified and the nature of information explained.

If collected, may include the following:

- a) Legal or clinical findings including certain personality test results;
- b) Unevaluated reports of teachers, counselors and others which may be needed in ongoing investigations and disciplinary or counseling actions.

4. Category "D" Information:

This category includes confidential, Personal Files of Professionals in the School (School Psychologist, Social Workers, Counselors)

We recognize that, in some instances, professionals working in the school may maintain personal and confidential files containing notes, transcripts of interviews, clinical diagnoses and other memory aids for their own use in counseling pupils. Any and all data that are considered to be the personal property of the professional should be guarded by the rules given above in addition to those dictated by professional ethics, subject to the terms of the employment contract between the school and the professional and any special agreements made between the professional and individual parent and/or students. Such records kept in the sole possession or the maker of the record and not accessible or revealed to any other person except a temporary substitute for the maker of record are not considered education records, and therefore, are not subject to access requirements enumerated in this policy. Upon termination of professional employment with Mariana Bracetti Academy Charter School, all personal data, and files are to be destroyed or reclassified. 20 U.S.C. § 1232g(a)(4)(B)(i).

IV. Maintenance of Student Records

Policy on Maintenance of Student Records: Ensure the accuracy, integrity, and confidentiality of all student records, maintained in compliance with FERPA and other regulations.

A. Procedures:

1. Record Classification:

- a) Category A: Permanent administrative records (e.g., student name, address, birth date, grades). Retain for at least 100 years.

- b) Category B: Important but not permanent information (e.g., health data, behavior reports). Review periodically and destroy when student is no longer enrolled.
 - i. Great care must be exercised by the school to ensure the accuracy of the information in this category. In particular, reported behavior patterns and specific incidents must be unambiguously described and clearly verified before they become part of any continuing record.
 - ii. The school shall give serious consideration to the elimination of unnecessary information in this category at periodic intervals such as at points of transition from elementary school to middle school and from middle school to senior high school.
 - iii. All information in this category shall be destroyed, or else retained under conditions of anonymity for research purposes, when the student leaves the school. Exceptions may be made where, under rigorous standards and impartial judgment, good cause for retention can be shown or according to statute.
 - a. Parents shall be periodically informed of the content of Category "B" records, and of their right of access to this data.
 - b. The health record and Category "B" information shall be maintained for a period of two years after the pupils' class graduation date. Therefore, these records shall be destroyed.

- c) Category C: Temporary and confidential information (e.g., unevaluated reports). Review annually and destroy when student is no longer enrolled. It may be transferred to Category "B" under certain conditions.
 - i. Transfer to Category "B" may be made only if the following two conditions are met
 - a. The continuing usefulness of the information is clearly demonstrated.

 - b. The validity of the information has been verified in which case the parents must be notified and the nature of the information explained.

- iii. If for any reason temporary unevaluated information is held for more than one year, the existence of this information must be discussed with the parent and the reason for its maintenance explained fully. Parents then should have an opportunity to challenge the decision to maintain such information.
- iv. The previously defined review panel composed of qualified professional personnel should determine the validity of Category "C" data.

B. Security Measures:

1. Store physical records in locked filing cabinets within secure rooms under the supervision of designated personnel, e.g., the CEO of Mariana Bracetti Academy Charter School or his/her designee. 22 Pa. Code § 12.33 (Guidelines 3.0-3.2).
2. The Charter shall use secure electronic systems with access controls, such as passwords and encryption, for digital records.
3. The Charter shall limit access to student records to authorized personnel only, maintaining a log of access requests and approvals.
4. The Charter Shall train staff on data security protocols, emphasizing the importance of confidentiality and privacy.

C.
Retention and Destruction:

1. The Charter shall develop a retention schedule for each category of records, ensuring compliance with state and federal laws .
2. The Charter shall conduct periodic reviews to determine which records are eligible for destruction.
3. The Charter shall provide advance notice to parents and eligible students before destroying any records, offering them an opportunity to obtain copies.
4. The Charter shall utilize secure methods for destroying records, such as shredding physical documents and permanently deleting electronic files.

D. CHALLENGING THE VALIDITY OF INFORMATION

1. If the parent or student wishes to challenge any of the information in the student record as a result of the initial conference, and if the conflict cannot be resolved informally, the following formal procedures will be followed:
 - a) The parent or student must submit a written request for amendment of the record of the student. The request will contain a brief statement which specifies the records to be amended and the reason that the amendment is requested. This request will be submitted to the CEO.
 - b) The challenge will be reviewed by the school's review panel within a period not to exceed forty-five (45) days from the receipt of the written request.
 - 1) If the school does decides to refuse to amend the information in accordance with the request of the parent, the school shall inform the parent in writing of both the refusal and the specific reasons for the refusal and shall notify the parent in writing of the right to request and receive a hearing.
 - 2) The hearing shall be conducted according to the following provisions
 - 3) The hearing shall be held at mutually agreed upon time and place within thirty (30) days after the school received the request for a hearing from the parent.
 - a) The parent shall be notified in writing of the date, place and time of the hearing, no later than five (5) days in advance of the hearing.
 - b) The hearing shall be conducted by the review panel which does not have direct interest in the outcome of the hearing. The duties of the review panel shall be the following:
 - i. to review challenges made by parents and/or students and render decisions as to the correction or deletion of inaccurate or misleading information.
 - ii. to determine the validity of category "C" data and the transfer of category "C" data to category "B".

iii.to grant representative consent institutions where the intervention is judged to be imperative, parental consent cannot be obtained, and there is reasonable doubt as to the capacity of the student to understand the implications of the situation.

v.to grant representative consent to persons or agencies to conduct studies involving the school population under the conditions of anonymity.

4) The party conducting the hearing may be an official of the school.

5) The parent shall be afforded a full and fair opportunity to present evidence relevant to information in the educational records that the parent believes is inaccurate, misleading, or violates the privacy or rights of the child.

6) The parent may, at the hearing, be assisted or represented by persons of his/her choice at his/her expense, and such persons may include legal counsel.

7) The school shall render a written decisions on the issues presented at the hearing and shall render such decision within thirty (30) days after the conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

8) If as a result of the hearing the review panel that the information is inaccurate, misleading or otherwise in violation of the privacy or rights of students, the school shall amend the education records accordingly and so inform the parent in writing.

9) If as a result of the hearing the review panel decides that the information if not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, the review panel shall inform parent of his/her right to place in the educational records of the student a statement which sets

forth the written comments of the parent in the educational records of reasons for disagreeing with the decision of the review panel or both written comments and reasons.

10) The statement of the parent shall be appended by the school to the educational records so long as the record or the contested portion thereof is maintained by the school.

11) If the education records of the student or the contested portion thereof is released by the school to any party, the statement of the parent shall also be released to the party.

Nothing in this section on parent requests for amendment of records shall be interpreted to mean that the parent and the school may not, by mutual agreement, meet prior to either a parent request for a hearing or the hearing itself in order to discuss the concerns of the parent regarding the accuracy or inaccuracy of the records of the student.

V. Dissemination of Student Records

Policy on Dissemination of Student Records: Disseminate student records in strict compliance with FERPA, requiring written consent from parents or eligible students except where permitted by law.

Procedures:

A. Authorized Release:

1. The Charter shall release records to school officials with legitimate educational interests.
2. The Charter shall release records to officials of other schools where the student intends to enroll.
3. The Charter shall release records to specified parties such as federal and state educational authorities, in compliance with FERPA.

The school may, without the consent of parents or student, release appropriate information in a student's permanent record file, including previously defined Categories "A" and "B" to:

- a) All school personnel, other than those directly involved with the child (the child's teacher, the counselor, CEO, etc.)

desiring access to pupil records shall be required to sign a written form which will be kept permanently on file, indicating specifically the "legitimate educational interest" that they have in seeking this information.

- b) Such a file will be available to parents and to the school officials responsible for record maintenance.
- c) The Pennsylvania Secretary of Education and officers or subordinates as long as the intended use of the data is consistent with the Secretary's statutory powers and responsibilities.
- d) Officials of other school systems in which the student intends to enroll.
 - a. The student's parents shall be notified of the transfer and shall receive a copy of the records, if desired.
 - b. The student's parents shall have an opportunity to challenge the record's content via a review panel as previously defined.

B. Release of Information to Other Than Educational Officials

- 1. The school or any school personnel may not divulge, in any form to any persons other than the education officials listed above, any information contained in the school records except:
 - a) With written consent from the student's parents specifying records to be released and to whom
 - i. A copy of the records to be released shall be given to the student's parent and/ or the student if desired by the parent;
 - ii. Or in compliance with the judicial order, pursuant to any lawfully issued subpoena.
- 6. Parents and/ or students shall be notified of all such orders in advance of the school's compliance.

C.
Parental and Student Rights:

1. Parents and eligible students have the right to request amendments to records they believe to be inaccurate or misleading.
2. The Charter shall obtain written consent from parents or eligible students before disclosing personally identifiable information, except in certain permitted situations (e.g., health or safety emergencies).
3. The Charter shall inform parents and eligible students of their rights to consent to disclosures and the procedures to follow for providing consent.

D. Parental or Student Consent and Requests

1. Where parental and/or student permission is required for the release of school records, procedures for obtaining this permission shall take into account the differences in the kinds of information contained in the student's record file.
2. Routine, nonspecific consent applies only to Category "A" information.
3. Additional, separate and specific consent shall be required for the release of any information in Category "B".
4. Under no conditions, except by judicial order or subpoena, or by parental consent, shall the school release information in Category "C".
5. Under no conditions, except by judicial order or subpoena, shall the school release information gathered by any non-school agency which is included in the school record with the exception of birth date.
6. Each matter of request for consent must be handled separately and no blanket permissions for release of information within an extended period of time may be solicited.
7. The school may comply with parental requests for the release of information to other persons or agencies with the following exceptions based on the student's age;

- a) When a student reaches the age of eighteen, or is an emancipated minor, or is married (whether eighteen or not), his or her consent alone must be obtained.
 - b) This includes the right to deny parental access to his records.
8. Either a child or the child's parents or guardians, or their legal representative, may have access to Category "A" information. Students may have access to Category "B" information with parental permission, unless they qualify without parental permission due to age or marital status.
- a) This right of access includes the right to challenge the validity of information contained in the record through procedures to be developed by the school and involving a formal review process incorporating previously outlined due process principles.

E. Anonymous Information for Outside Research

The school may provide anonymous information from the records for outside research purposes without consent under conditions where the likelihood of identifying any individual because of his unique characteristics is negligible.

1. Government Mandating of Information Release

- a) In cases in which local, state, and federal governmental agencies mandate the release of information on individuals, the principle of informed consent should apply except in those cases involving school responsibilities under existing child abuse or neglect statutes.
- b) Governmental agencies, in mandating the provision of information, should abide by the recommendations herein contained to assure the rights of privacy.
- c) Where identification of individuals is nevertheless legally required, with or without consent, written protest shall be made by the school to the requesting agency, parents shall be informed of the specific information which has been provided and legislative redress should be sought.

F. Waiver

Rights of access may be waived for school's confidential statement submitted as part of the student's process of applying for admission to another educational institution.

Such waivers shall be required before confidential statements are made on behalf of the school but shall not be required before other aspects of the application are completed by Mariana Bracetti Academy Charter School.

G.

Confidentiality and Security:

1. The Charter shall document all disseminations of student records, including the identity of the recipient, the information disclosed, and the purpose of the disclosure.
2. The Charter shall transmit records securely, using encrypted electronic methods or secure physical delivery.
3. The Charter shall ensure that recipients of student records are informed of their obligation to maintain confidentiality and to use the records only for the intended purpose.

VI. Student Data Access and Record Retention

Policy on Student Data and Record Retention: Implement comprehensive procedures for the retention of student data and records, including duration and secure destruction processes when records are no longer needed.

Procedures:

A. Retention Schedule:

1. The Charter shall develop and maintain a detailed retention schedule specifying the duration for which different types of records will be kept.
2. The charter shall ensure compliance with state and federal laws regarding minimum retention periods for various categories of records.

B. Review and Update:

1. The Charter shall conduct regular reviews of the retention schedule to ensure it remains current with legal requirements and best practices.
2. The Charter shall update the schedule as necessary to reflect changes in laws, regulations, or school policies.

C. Destruction Process:

1. The Charter shall establish secure procedures for the destruction of records that are no longer needed, ensuring that the confidentiality of the information is maintained.
2. The Charter shall provide notice to parents and eligible students before records are destroyed, giving them an opportunity to obtain copies if desired.

D. Access to Records

1. Mariana Bracetti Academy Charter School shall provide the parent or eligible student access to the educational records of the student. 34 C.F.R. § 99.10(a).
2. Access rights of the parent or eligible student shall consist of the right to:
 - a) Inspect and review the content of the education records
 - b) Obtain copies of the education records at the expense of the parent or eligible student, at a cost not to exceed the actual cost of Mariana Bracetti Academy Charter School reproducing such records. No parent or eligible student shall be refused copies if the financial obligation would prevent them from exercising their right to inspect and review the education records. 34 C.F.R. § 99.11.
 - c) A response from Mariana Bracetti Academy Charter School to reasonable requests for explanation and interpretation of the education records. 34 C.F.R. § 99.10(c).
 - d) An opportunity for a hearing to challenge the content of those records, as provided in Section V of this policy.
 - e) Inspect and review only material or documents that relate to the student in question. 34 C.F.R. § 99.12(a).
3. Procedure for gaining access to records:

- a) The parent or eligible student seeking access to education records shall make a written request of the CEO or his/her designee.
- b) Access to the education records requested shall be granted as soon as possible, but no later than 30 days after the receipt of a written request. 34 C.F.R. § 99.10(b).

Mariana Bracetti Academy Charter School shall maintain a current list of the names and positions of the professional employees who are authorized to have access to personally identifiable information. This list shall be available in the school office.

E. Record of Access

1. Mariana Bracetti Academy Charter School shall maintain a record, kept with the education records of each student which will indicate all parties (other than those listed in Section IV.B.I.a.) who have requested or obtained access to a student's education record and which will indicate specifically the legitimate interest that each such party had in obtaining this information. 20 U.S.C. § 1232g(b)(4)(A).
2. Such record of access shall be available only to the parent or eligible student, to the school officials and their assistants who are responsible for the custody of such records, and to persons and organizations authorized to see such records. 20 U.S.C. § 1232g(b)(4)(A).

F. Transfer of Information by Those Gaining Access to Education Records.

1. Mariana Bracetti Academy Charter School shall release personal information on a student only on the condition that the party to whom the information is being transferred will not permit any other party to have access to such information without the written consent of the parent or the eligible student.

G. Destruction of Records:

1. An education record shall not be destroyed by Mariana Bracetti Academy Charter School if there is an outstanding request to inspect and review it by the parent or eligible student. 34 C.F.R. § 99.10(e).

2. Mariana Bracetti Academy Charter School maintains the right to destroy some records that are considered to be invalid because of age and content matter. Student education records shall be maintained in accordance with Sections III.A.6., III.C. and IV.E. of this policy, and shall be destroyed in such time as provided therein.
3. Before any such destruction of student records (except as provided in III.C. of this policy) the parent or eligible student shall be given advance notice of the date after which the records will be destroyed and the opportunity to obtain copies of records prior to the specified date.

VII. Student Data Security

Policy on Student Data Security: Employ stringent data security measures, including electronic firewalls, encryption, regular system monitoring, and staff training on data security protocols to ensure the confidentiality and integrity of student records at all stages of collection, maintenance, and dissemination.

Procedures:

- A. Physical Security:
 1. The Charter shall store physical records in locked filing cabinets within secure rooms.
 2. The Charter shall limit access to physical records to authorized personnel only.
- B. Electronic Security:
 1. The Charter shall use secure electronic systems with access controls, such as passwords and encryption, for digital records .
 2. The Charter shall implement firewalls and intrusion detection systems to protect against unauthorized access.
 3. The Charter shall conduct regular security audits and vulnerability assessments to identify and address potential risks.
- C. Staff Training:

1. The Charter shall provide regular training for all staff on data security protocols and the importance of maintaining confidentiality.
2. The Charter shall ensure staff are aware of their responsibilities under FERPA and other relevant laws and regulations.

D. Incident Response:

1. The Charter shall develop and implement an incident response plan to address data breaches or other security incidents.
2. The Charter shall establish procedures for notifying affected individuals and taking corrective actions to prevent future incidents.

IV. Compliance and Review

Compliance Statement:

MBACS complies with all relevant federal and state laws, including FERPA.

Regular Review:

This policy shall be reviewed annually to ensure compliance with legal and regulatory changes. Any updates or revisions will be communicated to all staff, parents, and students as necessary.