

Board of Trustees Resolution

WHEREAS the Board of Trustees of Achievement House Cyber Charter School desires to comply with applicable state and federal laws and exercise its authority to promulgate policies for Achievement House Cyber Charter School;

NOW, THEREFORE, be it resolved that the Board of Trustees of Achievement House Cyber Charter School adopts the following policy:

Confidentiality Policy for Gifted Programs

Achievement House Cyber Charter School and its staff are required to safeguard the confidentiality of personally identifiable information for students identified as gifted or considered potentially gifted. This commitment aligns with Section 13(a) of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g), 34 CFR Part 99 (regarding family educational rights and privacy), Chapter 12 (pertaining to students), and all other applicable laws. Under FERPA, Achievement House Cyber Charter School must secure written consent before releasing personally identifiable information from a child's educational records. However, AHCCS may disclose appropriately designated "directory information" without written consent, unless advised to the contrary in accordance with AHCCS procedures.

Definitions

Education Records - Records directly related to a student, including digital media and videotapes, that are maintained by an educational agency.

Personally Identifiable Information - Information that includes, but is not limited to, the student's name, names of parents and family members, and the student's address.

Destruction of Information - The physical destruction or removal of personal identifiers, rendering the information no longer personally identifiable.

Directory Information - Information in a student's educational record that generally would not be seen as harmful or an invasion of privacy if shared. This may include the student's name, address, date and place of birth, major, involvement in recognized activities and sports, athletic team members' weight and height, attendance dates, degrees and awards earned, and the most recent educational institution attended.

Confidential Information - Information used in the evaluation of a student, or in state and federal reports on student performance, which includes grades, disciplinary records, and other data deemed confidential under FERPA and IDEA.

Consent - The parent(s) receive full information about the activity requiring consent, in their native language or other means of communication; they agree in writing to the activity, understanding that consent is voluntary and can be withdrawn at any time.

Confidentiality Policy

A parent that does not want AHCCS to disclose directory information from a child's education records without your prior written consent, must notify AHCCS in writing before August 1st of any year the student is enrolled at AHCCS, or within 30 days of enrollment at the School. AHCCS has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or another unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

Directory information may be shared without parental consent unless a parent has opted out of allowing this disclosure. Parents reserve the right to prohibit an agency from designating any or all of the above information as directory information.

Confidential information will be used for purposes such as student identification and evaluation, Child Find activities, defining and determining eligibility criteria, evaluation and eligibility determination procedures, and other processes specified under the Individuals with Disabilities Education Act and Chapter 711 (PA).

Educational Records

The Family Educational Rights and Privacy Act (FERPA) grants parents and students who are 18 years or older specific rights concerning their educational records.

These rights include:

Parents are entitled to review and inspect their child's educational records. Achievement House Cyber Charter School (AHCCS) will respond to requests for record inspection promptly, ensuring access before any IEP meeting or due process hearing, but not exceeding 45 days after the request is made. Requests should be made in writing, specifying which records the parents wish to access, and directed to the school principal or an appropriate official. Parents have the right to receive explanations and interpretations of the records from the school district upon reasonable request. The school official will arrange access and inform the parent or eligible student of the time and location for inspecting the

records. "Educational records" refer to records directly related to the student, maintained by an educational agency or an individual acting on behalf of the agency. For this notice, "educational agency" is defined as the local school district, which maintains educational records for all students. Confidential personally identifiable information encompasses details such as the student's name, the names of parents and other family members, the student's or family's address, as well as personal characteristics or other identifying information. Parents may request copies of the records. While AHCCS does not impose fees for searching or retrieving information, it may charge for copying if this does not hinder parents from exercising their right to inspect and review records. Additionally, parents have the right to designate a representative to inspect and review their child's records. If any record contains information about more than one child, parents are entitled only to access information pertaining to their own child.

If parents believe that any information in an educational record is inaccurate, misleading, or violates their child's privacy or other rights, they may request an amendment. Such requests should be submitted in writing, clearly identifying the portion of the record they wish to amend and explaining why it is inaccurate or misleading. AHCCS will determine whether to amend the record or will inform the parents of their right to a hearing to contest the disputed information. Further details about the hearing procedures will be provided to parents or students when they are notified of their right to a hearing. The Director of Special Education is the designated official responsible for maintaining the confidentiality of student records.

In situations where AHCCS needs to report a crime committed by a student with a disability, the agency will ensure that copies of the student's special education and disciplinary records are transmitted appropriately, in accordance with the Family Educational Rights and Privacy Act (FERPA) (34 CFR Part 99).

Retention of Information

When information is no longer necessary for providing educational services to a child, or after a former student reaches their 24th birthday, the educational agency will destroy the information in their educational record if there are no pending requests for inspection or copies. However, a permanent electronic record of a former student's name, telephone number, grades, achievements, attendance, classes attended, grade level completed, year completed, Evaluation/Re-evaluation Reports, the last three IEPs, and the last Notice of Recommended Educational Placement will be maintained indefinitely. If requested by a parent, information no longer necessary for educational services must be destroyed. Still, a permanent record of a student's name, address, phone number, grades, attendance, classes attended, grade level completed, and year completed may be kept in an electronic format indefinitely. AHCCS will provide, upon request, a list of the types and locations of maintained educational records, along with the school officials responsible for these records and the personnel authorized to access personally identifiable information. Such personnel receive training and guidance regarding confidentiality. AHCCS maintains a log of individuals accessing educational records, including their names, the date access was granted, and the purpose for which they are authorized to use the records. Parents have the right to consent to the disclosure of personally identifiable information contained in the student's educational records, except as allowed by FERPA for disclosure without consent. Information may be disclosed without consent to school officials who have legitimate educational interests. A school official may be anyone employed by AHCCS in an administrative, supervisory, instructional, or support role (including health or medical staff and law enforcement personnel); an individual or organization contracted by AHCCS to perform a specific task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student participating in an official committee, such as a

disciplinary or grievance committee, or assisting another school official with their responsibilities. A school official has a legitimate educational interest if they require access to an educational record to fulfill their professional duties.

AHCCS will disclose educational records (including disciplinary records) without consent to officials of another school district where a student is seeking or intends to enroll.

1. Parents have the right to file a complaint with the U.S. Department of Education regarding any alleged noncompliance by AHCCS with FERPA requirements. Complaints can be submitted to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.
2. The No Child Left Behind Act (NCLB) of 2002 also mandates that districts provide military recruiters with the same access to secondary school students as is granted to postsecondary institutions or prospective employers. Districts must provide students' names, addresses, and telephone numbers to military recruiters upon request, unless a parent has opted out of sharing such information.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/ OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL.

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NOW THEREFORE be it resolved that the Board of Trustees of Achievement House Charter School adopts the following policy:

Confidentiality Policy for Gifted Programs

President

Date

Secretary

Date

Referenced Documents:

1. Department of Defense Education Activity. (n.d.). *Military interstate compact*. Department of Defense Education Activity.
<https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact>
2. National Association for Gifted Children (n.d.). "Identifying Gifted Children from Diverse Populations." National Association for Gifted Children, <https://www.nagc.org>.

3. Pennsylvania Code. (n.d.). *Chapter 16. Special education for gifted students.*
Pennsylvania Code & Bulletin.

<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/022/chapter16/s16.1.html&d=>