

Educational Records and Student Information Policy

The Board of Directors of Westlake Charter School (“WCS”), a California nonprofit public benefit corporation operating public charter schools, adopts this Educational Records and Student Information Policy to apply to all educational records and student information maintained by WCS.

I. DEFINITIONS

A. Education Record

An education record is any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche containing information directly relating to a student that is maintained by WCS or by a party acting for WCS. Such information includes, but is not limited to:

1. Date of birth; parent and/or guardian’s address, mother's maiden name and where the parties may be contacted for emergency purposes;
2. Grades, test scores, courses taken, academic specializations and school activities;
3. Special education records;
4. Disciplinary records;
5. Medical and health records;
6. Attendance records and records of past schools attended;
7. Personal information such as, but not limited to, a student’s name, the name of a student’s parent or other family member, student identification numbers, social security numbers, photographs, biometric record or any other type of information that aids in identification of a student.

An education record does not include any of the following:

1. Records that are kept in the sole possession of the maker, 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 maintained by a law enforcement unit of WCS that were created by that law enforcement unit for the purpose of law enforcement;
3. In the case of a person who is employed by WCS but not in attendance at WCS, records made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee; and are not available for any other purpose;

4. Records of a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity; b) made, maintained, or used only in connection with 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 WCS;
5. Records that only contain information about an individual after the individual is no longer a student at WCS; or
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

B. Personally Identifiable Information

Personally Identifiable Information (PII) is information about a student that is contained in their education records that cannot be disclosed without compliance with the requirements of Family Educational Rights and Privacy Act of 2001 (“FERPA”).

PII includes, but is not limited to:

- The student’s name;
- The name of a student’s parent or other family members;
- The address of a student or student’s family;
- A personal identifier, such as the student’s Social Security number, student number or biometric record;
- Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
- 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
- Information requested by a person who WCS reasonably believes knows the identity of the student to whom the education record relates.

C. Directory Information

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. WCS may disclose PII that it has designated as directory information, consistent with the terms of WCS’ annual notice provided pursuant to FERPA.

WCS has designated the following information as directory information:

- Student’s name;
- Student’s address;
- Parent/guardian’s address;
- Telephone listing;
- Student’s electronic mail address;

- Parent/guardian's electronic mail address;
- Photograph/video;
- Date of birth;
- Dates of attendance;
- Grade level;
- Weight and height of members of athletic teams;
- Degrees, honors, and awards received; and
- The most recent educational agency or institution attended.
- Student ID number, user ID, or other 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.)

D. Parent

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

E. Eligible Student

Eligible student means a student who has reached eighteen (18) years of age.

F. School Official

A school official is a person employed by WCS as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Directors of WCS. A school official also may include a volunteer or an independent contractor outside of WCS, consultant, vendor, or other party who performs an institutional service or function for which WCS would otherwise use its own employees and who is under the direct control of WCS with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist, or contracted provider of digital educational platforms and/or services; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing their tasks.

G. Legitimate Educational Interest

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

II. DISCLOSURE OF DIRECTORY INFORMATION

At the beginning of each school year, WCS shall provide parents and eligible students with a notice containing the following information: 1) The type of PII it designates as directory information; 2) The parent's or eligible student's right to require that WCS not release "directory information" without obtaining prior written consent from the parent or eligible student; and 3) The period of time within which a parent or eligible student must notify WCS in writing of the categories of "directory information" that it may not disclose without the parent's or eligible student's prior written consent. WCS will continue to honor a valid request to opt out of the disclosure of a former student's directory information made while the former student was in attendance unless the student rescinds the opt out request.

III. ANNUAL NOTIFICATION TO PARENTS AND ELIGIBLE STUDENTS

At the beginning of each school year, in addition to the notice required for directory information, WCS shall provide eligible students currently in attendance and parents of students currently in attendance with a notice of their rights under the FERPA. The notice shall inform the parents and eligible students 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 PII contained in the student's education records, except to the extent that disclosure is permitted without prior written consent pursuant to FERPA;
- D. File with the U.S. Department of Education a complaint concerning alleged failures by WCS to comply with the requirements of FERPA and its promulgated regulations; and
- E. Request that WCS not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

The notice must also include the following:

- A. The procedure for exercising the right to inspect and review educational records;
- B. The procedure for requesting amendment of records;
- C. A statement that WCS forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer; and
- D. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

IV. PARENTAL AND ELIGIBLE STUDENT RIGHTS RELATING TO EDUCATION RECORDS

Parents and eligible students have the right to review the student's education records. In order to do so, parents and eligible students shall submit a request to review education records in writing to the Executive Director. Within five (5) business days, WCS shall comply with the request.

A. Copies of Education Records

WCS will provide copies of requested documents within five (5) business days of a written request for copies. WCS may charge reasonable fees for copies it provides to parents or eligible students. However, no charge shall be made for furnishing (1) up to two transcripts of former students' records or (2) up to two verifications of various records of former students. The charge will not include a fee to search for or to retrieve the education records.

B. Request for Amendment to Education Records

Following the inspection and review of a student's education record, a parent or eligible student may file a written request with the Executive Director to correct or remove any information in the student's education record that is any of the following:

1. Inaccurate;
2. Misleading; or
3. In violation of the privacy rights of the student.

WCS will respond within thirty (30) days of receipt of the request to amend. WCS' response will be in writing and if the request for amendment is denied, WCS will set forth the reason for the denial and inform the parent or eligible student of their right to a hearing challenging the content of the education record.

If the Executive Director sustains any or all of the allegations, the Executive Director must order the correction or the removal and destruction of the information. The Executive Director or Executive Director's designee must then inform the parent or eligible student of the amendment in writing. However, the Executive Director shall not order a pupil's grade to be changed, unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

If the Executive Director sustains the parent or eligible student's request to change the student's name and/or gender, WCS shall add a new document to the student's record that includes all of the following information:

- a. The date of the request.
- b. The date the requested records were corrected.
- c. A list of the records requested to be corrected.
- d. The type of documentation, if any, provided to demonstrate a legal change to the student's name and/or gender. The parent or guardian of the student is not required to provide documentation of a legal change to the student's name and/or gender.
- e. The name of the employee that completed the request.
- f. The student's corrected and former names and/or genders.

WCS shall immediately update a former student's records to include the student's updated legal name or gender if WCS receives government-issued documentation demonstrating that the former student's legal name or gender has been changed. Acceptable government issued identification includes but is not limited to:

- a. State-issued driver's license.
- b. Birth certificate.
- c. Passport.
- d. Social security card.
- e. Court order indicating a name change or a gender change, or both.

If requested by the former student, WCS shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that may be reissued by WCS include, but are not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents conferred upon the former student.

If a former student requests that their name or gender be changed and the requested records are reissued, WCS shall add a new document to the former student's file that includes all of the following:

- a. The date of the request.
- b. The date the requested records were reissued to the former student.
- c. A list of the records that were requested by, and reissued to, the former student.
- d. The type of documentation provided by the former student in order to demonstrate the legal name or gender change.
- e. The name of the school district, charter school, or county office of education staff person that completed the request.
- f. The current and former name or gender of the former student.

C. Hearing to Challenge Education Record

If WCS denies a parent/guardian or eligible student's request to amend an education record, the parent/guardian or eligible student may, within thirty business (30) days of the denial, request in writing that the parent/guardian or eligible student be given the opportunity for a hearing to challenge the content of the student's education record on the grounds that the information contained in the education record is inaccurate, misleading or in violation of the privacy rights of the student. Notice of the date, time and place of the hearing will be sent by WCS to the parent or eligible student no later than twenty (20) days before the hearing.

Parent/Guardian or Eligible Student Rights at the Hearing

- To present information and evidence concerning a clerical or recording error in the education record which needs to be corrected. The hearing is not an opportunity to review substantive decisions by WCS concerning evaluation of academic work or outcomes of disciplinary proceedings;
- To have a hearing officer who does not have a direct interest in the outcome of the hearing;
- To be advised by one or more individuals, including counsel at their own expense;
- To have a full and fair opportunity to present evidence concerning requested corrections to the education record;
- To receive, within a reasonable period of time after the hearing, but not more than thirty (30) business days, a written decision based solely on the evidence provided at the hearing. The decision will include a summary of evidence and reasons for the decision; and
- To submit a statement into the student's education record commenting on the contested portion of the record which will be provided to any person who later views that portion of their education record, if the amendment is denied.

The Executive Director or designee shall designate an impartial hearing officer who does not have a direct interest in the hearing outcome.

WCS Rights and Responsibilities When a Hearing is Requested

- To select a hearing officer in accordance with FERPA requirements. The hearing officer may be any WCS employee who does not have a direct interest in the hearing outcome. The hearing shall in all respects be under the control of the hearing officer and shall not be subject to formal rules of evidence or procedure.
- To deny a request for a hearing when the proposed amendment to the education record includes anything more than correcting clerical errors.
- To schedule a hearing within a reasonable time, but not more than thirty (30) business days, after receiving the hearing request.
- To provide evidence to the hearing officer to support the previous determination not to amend the student's education record.

Role of the Hearing Officer

- To allow the parent/guardian or an eligible student the opportunity to present evidence relevant to the issues raised. The hearing officer has the right to determine whether particular evidence presented is relevant to the record and issue(s) in question.
- To make their decision solely on the evidence presented at the hearing.
- To provide the parent/guardian or eligible student with a timely written decision, including a summary of the evidence and reason for the decision.

Hearing Outcome

If the hearing officer finds that the record is inaccurate, misleading or otherwise in violation of the privacy rights of the student, WCS will amend the record accordingly. The parent/guardian or eligible student will be notified in writing of the correction. If the hearing officer finds that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, WCS will notify the student of the right to place a statement in the record commenting on the contested portion of the record, or stating why the student disagrees with the decision not to amend, or both. WCS will maintain this statement with the contested portion of the student's education record for as long as the record is maintained. The statement will be disclosed whenever WCS is required to disclose the portion of the record to which the statement relates.

V. DISCLOSURE OF EDUCATION RECORDS AND DIRECTORY INFORMATION

WCS must have a signed and dated written consent from the parent or eligible student before releasing any non-directory information from a student's education record except as provided below. The written permission must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made. When disclosure is made pursuant to written permission, the parent or eligible student may request a copy of the disclosed records and WCS shall provide the requestor with a copy of the records disclosed upon request. Signed and dated written consent may include a record and signature in electronic form if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

WCS will only disclose PII on the condition that the receiving party not disclose the information to any party without the prior written consent of the parent or eligible student and that the receiving party use the information for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below. WCS must maintain

the appropriate records related to these disclosure exceptions, as described below. Except for disclosures pursuant to a judicial order or lawfully issued subpoena, or directory information or to parents or eligible students, WCS will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior written consent of the parent or eligible student and that the receiving party use it for the purpose for which the disclosure was made. WCS will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

WCS will disclose education records, without prior written consent of the parent or eligible student, to the following parties:

1. School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, WCS will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. WCS will make a reasonable attempt to notify the parent or eligible student of the request for records at their last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, WCS will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing pursuant to Section (IV)(3) above;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for WCS in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. The disclosure is information WCS has designated as "directory information", under the conditions described in 34 C.F.R. § 99.37.
 - a. Entities that receive disclosures of directory information from WCS include but are not limited to requestors that engage in political advocacy, lobbying or information dissemination related to California charter schools with which WCS has an existing relationship;
7. Accrediting organizations in order to carry out their accrediting functions;
8. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
9. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;

10. Persons who need to know in cases of health and safety emergencies;
11. State and local authorities, within a juvenile justice system, pursuant to specific State law;
12. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and/or a caregiver (regardless of whether the caregiver has been appointed as the pupil's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or non-related extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by WCS for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by WCS; and/or
13. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by WCS with respect to that alleged crime or offense. WCS may disclose the final results of the disciplinary proceeding, regardless of whether WCS concluded a violation was committed.

VI. SOLICITATION AND DISCLOSURE OF STUDENT INFORMATION FOR IMMIGRATION PURPOSES

1. Except as required by state or federal law or as required to administer a state or federally supported education program, WCS officials and employees will not collect information or documents regarding citizenship or immigration status of students or their family members.
2. If WCS possesses information that could indicate immigration status, citizenship status, or national origin information, WCS will not use the acquired information to discriminate against any student or families or bar children from enrolling in or attending school.
3. If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin, WCS will not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.
4. WCS will not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.
5. During the enrollment process:
 - a. Where permitted by law, WCS shall accept alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.
 - b. WCS will not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

- c. WCS will not collect entire Social Security numbers or cards or a statement that the parent or guardian does not possess a Social Security number for the purposes of enrollment, and failure to provide this information will not bar a student from enrolling or attending WCS. However, the last four digits of an adult household member's Social Security number may be solicited and/or collected if required to establish eligibility for federal benefit programs such as free or reduced-price meals. This Social Security information will only be collected for the limited purpose of establishing eligibility for federal benefit programs and will not affect student enrollment.
6. WCS will not release information to third parties for immigration-enforcement purposes, except as required by law or court order. Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on WCS prohibits disclosure, WCS shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that is not otherwise subject to release, WCS shall not release the information. WCS will permanently keep the consent notice with the record file.

WCS personnel shall take the following steps upon receiving an information request related to a student's or family's immigration or citizenship status:

1. Notify a designated WCS official about the information request.
2. Provide students and families with appropriate notice and a description of the immigration officer's request.
3. Document any verbal or written request for information by immigration authorities.
4. Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

VII. CONTRACT FOR DIGITAL STORAGE, MANAGEMENT AND RETRIEVAL OF STUDENT RECORDS

WCS may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code section 49073.1 and other applicable state and federal laws.

VIII. RECORD KEEPING REQUIREMENTS

WCS will maintain a record of each request for access to and each disclosure of PII from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the parties who have requested or received the information and the legitimate interests the parties had in requesting or obtaining the information.

For disclosures of PII to institutions that make disclosures of the information on behalf of WCS in accordance with 34 C.F.R. § 99.33(b), the record must include the names of the additional parties to which the receiving party may disclose the information on behalf of WCS and the legitimate

interests that each of the additional parties has in requesting or obtaining the information.

These record keeping requirements do not apply to requests from or disclosure to parents or eligible students, WCS officials with a legitimate purpose of inspecting the records, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of PII may be inspected by parents and eligible students, WCS officials (or their assistants) responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of WCS.

Student cumulative records may not be removed from the premises of WCS, unless the individual removing the record has a legitimate educational interest, and is authorized by the Executive Director, or by a majority of a quorum of the Board of Directors at a duly agendized meeting. Employees who remove student cumulative records or other student records from WCS premises without a legitimate educational interest and authorization may be subject to discipline. Employees are permitted to take student work-product, or other appropriate student records, off premises without authorization for legitimate academic purposes (e.g. grading work-product, assigning credit, reviewing materials for classroom discussion, etc.)

IX. COMPLAINTS

Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by WCS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue. S.W.
Washington, D.C. 20202-8520