

Notification of Rights under FERPA and PPRA

FERPA NOTICE — GENERAL

The Family Educational Rights and Privacy Act (FERPA) affords parents and those students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights include:

1. ***The right to inspect and review the student's "education records."*** Under Colorado law, the time for a response to a request for records is generally three business days. Parents or eligible students who wish to inspect their child's or their education records should submit a written request that identifies the records they wish to inspect to the Head of School.
2. ***The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.*** Parents or eligible students who wish to ask to amend their child's or their education record should write the Head of School, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment.
3. ***The right not to have records disclosed without consent if the record includes personally identifiable information (PII) from the student's education records, except in those cases in which FERPA permits disclosure without consent.*** School officials with legitimate educational interests may access the records as needed, without consent. Such officials include school employees, board members, volunteers, contractors or consultants and, certain officials of the school's authorizer, the Charter School Institute (CSI). In the case of volunteers, contractors, or consultants this must be a person who performs a service or function for which the school could use its own employees and who is under control of the school with respect to the use and maintenance of PII from education records. This may include a professional employed by the schools (such as an attorney or therapist) or a person who is assisting a school employee in fulfilling their responsibilities. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her assigned responsibility.

The School may also disclose educational records without consent in over a dozen other specific circumstances identified in the regulations implementing FERPA. These include, with certain requirements, such cases as health and safety emergencies and responding to judicial subpoenas. For more details refer to section 99.31 of the regulations. See: <http://www2.ed.gov/policy/gen/guid/fpco/pdf/2012-final-regs.pdf>

PPRA NOTICE

The Protection of Pupil Rights Amendment (PPRA) and Colorado law afford parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility, or social security number.

Receive notice and an opportunity to opt a student out of such surveys and —

1. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
2. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

Inspect, upon request and in a timely manner —

1. Surveys of students covered by the PPRA;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Should the School undertake a survey or activity covered by PPRA, it will provide appropriate advance notice and opportunity to opt out, as required by law, at that time.

The School may unilaterally undertake formal threat assessments or suicide assessments, report suspected child abuse or neglect, perform routine health screening required by law, administer educational exams, and allow journalism students to conduct surveys under teacher supervision.

VIOLATIONS OF FERPA OR PPRA

If you believe FERPA or PPRA have been violated you are, of course, welcome to bring this to the School's attention. You also have the right to file a complaint with the U.S. Department of Education. The name and address of the Office that administers FERPA and PPRA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202