

Title: **Confidentiality of Student Records**

Effective Date: November 14, 2017

References:

Utah Administrative Rule R277-487, Public School Data Confidentiality and Disclosure
Utah Administrative Rule R277-714-3(B), Dissemination of Information About Juvenile Offenders,
Dissemination of Information
UCA §53A-1-14, Student Data Protection Act
UCA §53A-13-301, Utah Family Educational Rights and Privacy Act, Application of state and federal law to
the administration and operation of public schools -- Local school board and charter school governing
board policies
UCA §53A-13-302, Utah Family Educational Rights and Privacy Act, Activities prohibited without prior
written consent -- Validity of consent -- Qualifications -- Training on implementation
20 U.S.C. §1232g, Family Educational rights and Privacy Act (FERPA)
20 U.S.C. §1232h, Protection of Pupil Rights Act

Purpose

The purpose of this policy is to ensure the protection of sensitive student and family information in compliance with Federal and State laws, including the appropriate review and disclosure of student performance data and personally identifiable student information. This policy is enforceable upon all Board Members, Employees and Volunteers of Ignite Entrepreneurship Academy.

Policy

1. Compliance with Laws and Regulations

- 1.1. Employees and volunteers of Ignite Entrepreneurship Academy ("IEA") will comply with all applicable Federal and State laws, regulations, and rules regarding the collection, storage, dissemination and protection of sensitive student and family information and student performance data ("Student Educational Records"). The applicable requirements of all Federal and State laws, regulations and rules to which IEA is subject are incorporated herein by reference.

2. Notification of Rights to Parents

- 2.1. This policy shall be published on IEA's website and the policy or a summary hereof shall be included with the student enrollment packet.
- 2.2. LEA shall notify the parent or guardian of a student if there is a release of the student's personally identifiable student data due to a security breach.

3. Activities Prohibited Without Prior Written Consent

- 3.1. Prior written consent of a student's parent or legal guardian is required if any IEA employee, volunteer or agent plans to administer to the student any psychological or psychiatric examination, test, or treatment, or any survey, analysis or evaluation whose purpose or evident intended effect is to cause the student to reveal information, whether or not the information is personally identifiable, concerning the student's or any family member's:

- 3.1.1. political affiliations or, except as provided under Section 53A-13-101.1 or rules of the State Board of Education, political philosophies;
 - 3.1.2. mental or psychological problems;
 - 3.1.3. sexual behavior, orientation, or attitudes;
 - 3.1.4. illegal, anti-social, self-incriminating, or demeaning behavior;
 - 3.1.5. critical appraisals of individuals with whom the student or family member has close family relationships;
 - 3.1.6. religious affiliations or beliefs;
 - 3.1.7. legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
 - 3.1.8. income, except as required by law.
- 3.2. These prohibitions shall also apply within the curriculum and other school activities.
 - 3.3. Authorization for disclosure of sensitive student and family information requires the consent of a parent/guardian and is valid only if it is preceded by a written notification from IEA with the information described in UCA §53A-13-302(4).
 - 3.4. Except in response to a situation which an IEA employee reasonably believes to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, or by order of a court, or other exigent circumstances described in Section 4, disclosure to a parent or legal guardian must be given at least two weeks before information protected under this policy is sought. A parent or legal guardian may waive the two week minimum notification period following receipt of the disclosure.
 - 3.5. Unless otherwise agreed to by a student's parent or legal guardian and the person requesting written consent, the authorization is valid only for the activity for which it was granted.
 - 3.6. A written withdrawal of authorization submitted to the Director by the authorizing parent or guardian terminates the authorization.
 - 3.7. A general consent used to approve admission to IEA or involvement in special education, remedial education, or a school activity does not constitute written consent.
 - 3.8. This policy does not limit the ability of a student to spontaneously express sentiments or opinions otherwise protected against disclosure under this policy.

4. Urgent or Emergency Circumstances

- 4.1. If an IEA employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay. If, however, the matter has been reported to the Division of Child and Family Services (DCFS), it is the responsibility of DCFS to notify the student's parent or guardian.
- 4.2. If an IEA employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of referring the student to appropriate prevention services and informing the student's parent or legal guardian.

5. Student Education Records Management**5.1. Permitted Access**

- 5.1.1. Parents and legal guardians may inspect and review all of their student's education records maintained by IEA. If a student's education records contain information on more than one student, the parent/guardian may inspect and review or be informed of only the specific information about their student.
- 5.1.2. IEA shall give full rights to student education records to either parent (or legal guardian), unless it has been provided with evidence that there is a court order or legally binding instrument relating to such matters as divorce, separation, or custody that specifically revokes these rights.
- 5.1.3. The Director shall establish appropriate procedures for the granting of a request by a parent/guardian for access to the education records of their student within a reasonable period of time.
- 5.1.4. The Director shall maintain a list that includes the name and position of each IEA employee and volunteer who is authorized to have access to student education records. Only those individuals having a legitimate educational interest or public education employees licensed under UCA §53A-6-104 may access or use student information and records, subject to the requirements of Utah Administrative Rule R277-515, Utah Educator Standards.

5.2. Disclosure

- 5.2.1. Unless authorized by the Director, an IEA employee or volunteer may not share, disclose, or disseminate their personal passwords for electronic maintenance of student performance data or personally identifiable student information.
- 5.2.2. IEA may not disclose information from student education records without prior parental consent, except as provided by law. Such exceptions include but are not limited to:
 - 5.2.2.1. school officials who have a legitimate educational interest;
 - 5.2.2.2. other schools that have requested the records and in which the student seeks or intends to enroll or where the student is already enrolled, providing the disclosure is for purposes related to the student's enrollment or transfer;
 - 5.2.2.3. in response to court orders or subpoenas; and
 - 5.2.2.4. in cases of health and safety emergencies.

5.3. Directory Information

- 5.3.1. IEA may disclose certain directory information for appropriate reasons (i.e., student directories, school newspapers or newsletters, notice of awards and/or projects, etc.) provided it has given parents or legal guardians annual notice of their right to request that their student's directory information not be released. The manner and means of such annual notification shall be determined by the Director. Student information identified as "directory information" consists of:
 - a. name
 - b. grade level
 - c. participation in recognized activities, clubs, school groups

- d. awards or honors
- e. photograph

5.4 Prohibition of Use of Education Records for Marketing

- 5.4.1 Student records maintained by IEA may not be sold or used for marketing purposes or targeted advertising as defined in Utah Code Ann. §53A-1-1402(25).

5.5 Retention and Disposal

- 5.5.1 Student education records shall be retained and disposed of according to Utah State Archives Records Retention Schedule. Student special education records shall be disposed of in accordance with provisions of Utah State Board of Education Special Education Rules §300.610.

6. Training

- 6.1. The Director shall provide annual training on this policy to all subject employees and volunteers.
- 6.2. Each subject employee and volunteer shall annually submit a signed statement certifying completion of the required training and understanding of his/her legal and ethical obligation to protect the confidentiality of student and family information.

7. Third Party Providers or Contractors

- 7.1. IEA may contract with a third party provider to collect, maintain, and have access to school enrollment verification data or other student data if:
 - 7.1.1. the third party provider meets the definition of a school official under 34 CFR 99.31 (a)(1)(i)(B);
 - 7.1.2. the contract between IEA and the third party provider includes a provision that the data is the property of IEA; and
 - 7.1.3. IEA monitors and maintains control of the data.
- 7.2. If IEA contracts with a third party provider to collect and have access to IEA's student data, IEA shall notify the student and the student's parent or guardian in writing that the student's data is collected and maintained by the third party provider.
- 7.3. IEA may release student information and enrollment verification data to a third party provider if the release is allowed by, and released in accordance with, the The Family Educational Rights and Privacy Act ("FERPA") and its implementing regulations, and IEA complies with the requirements of Utah Administrative Rule R277-487-3B.

8. Complaint Procedure

- 8.1. Parents or guardians who believe their student's rights have been violated may contact the school's administration. IEA administration and/or Board of Directors shall timely investigate all such complaints and reply in writing with its findings and suggested remedies to the requesting parent or guardian and shall also share those findings with the Board of Directors.
- 8.2. Parents may also file a complaint as outlined in this policy with:

Family Policy Compliance Office (FPCO)
U.S. Department of Education
400 Maryland Avenue, SW

Washington, D.C. 20202-5920
(800) 872-5327

- 8.3. Informal inquiries may be sent to FPCO via the following email address: FERPA@ED.Gov
- 8.4. Complaints should be reported as soon as possible, but not later than 180 days from the date the parent/guardian has learned of the circumstances of the alleged violation.

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