

**EAST
HARLEM**
SCHOLARS
ACADEMY II
An EHTP School

2015 -16
Student and Family
Handbook

FAMILY EDUCATIONAL RIGHTS

The Family Educational Rights & Privacy Act (FERPA) is a Federal law designed to protect the privacy of students' education records. FERPA gives families certain rights with respect to their children's education records. Those rights are explained below.

- Families or eligible students have the right to inspect and review all of the student's education records maintained by the school. For records including information on more than one student, families are limited only to information pertaining to his/her child. Schools are not required to provide copies of materials in education records unless, for reasons such as great distance, it is impossible for families or eligible students to inspect the records. Schools may charge a fee for copies.
- Student records or other identifiable information are maintained in a secure location to ensure confidentiality. Records that are no longer required or need to be disposed are done so in a manner that ensures confidentiality and security.
- Families and eligible students have the right to request that a school correct records believed to be inaccurate or misleading. If the school decides not to amend the record, the parent/guardian or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent/guardian or eligible student has the right to place a statement with the record commenting on the contested information in the record.
- Generally, schools must have written permission from the parent/guardian or eligible student before releasing any information from a student's record. However, the law allows schools to disclose records, without consent, to the following parties:
 - School officials with legitimate educational interest
 - Other schools to which a student is transferring
 - Specified officials for audit or evaluation purposes
 - Appropriate parties in connection with financial aid to a student
 - Organizations conducting certain studies for or on behalf of the school
 - Accrediting organizations
 - Judicial orders or lawfully issued subpoenas
 - Appropriate officials in cases of health and safety emergencies
 - State and local authorities, within a juvenile justice system, pursuant to specific State law

PROCEDURE FOR ACCESSING STUDENT RECORDS

1. A parent/guardian may request to review his or her child's student file. Any person requesting to review a student file must request it in writing and submit it to the main office.
2. The Operations Manager will review the request and determine whether to release the information to the requester. If the requester is not a

parent/guardian, a *Consent for Release of Student Information* letter will be sent to the parent/guardian for permission.

3. Once permission is granted to review a student's file, the requester must sign the *Record of Access* form. If a student has an IEP, the requester must also sign the *Confidential File Access Log* form in the student folder.

PROCEDURE TO AMEND OR APPEAL STUDENT RECORDS

1. If a parent/guardian believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's right to privacy, he or she may ask that the record be amended. A parent/guardian may express the appeal in writing to the Principal and must include the following:
 - Information that is claimed to be inaccurate, misleading, or in violation of the student's privacy rights
 - Records in which the parent/guardian believes the information is contained
 - Basis for the claim (i.e., why he/she believes the information is inaccurate, etc.)
 - The parent's/guardian's proposed change
2. The Principal will review the request and make a determination within fifteen school days of receiving the letter. The Principal will provide the parent/guardian with a written response to the request and explain the reason for his/her decision. If the action is warranted, the school may decide to remove, modify, or expunge the information in the record. Removing, modifying, or expunging an entry is not an admission that the entry was improper or that any person acted improperly by including the entry on the record.
3. If the request is denied or no ruling is made in the allotted time, the parent/guardian has the right to appeal the decision to the Board of Directors within twenty school days from the adverse ruling or failure to rule.
4. A hearing officer will be appointed by the Board of Directors. A hearing will be held within twenty school days after the parent/guardian files the request with the Board, and the parent/guardian will be given notice of date, place, and time of the hearing with sufficient advance notice.
5. A parent/guardian will be given the opportunity to present the appeal and may be assisted or represented by individuals of his or her choice or own expense. The hearing officer's decision must be based solely on the evidence presented at the hearing.
6. A written report containing a summary of the evidence and the reasons for the decision will be issued fourteen calendar days from the conclusion of the hearing. If necessary, the hearing officer will direct the Principal to amend the records accordingly and inform the parent/guardian in writing. The hearing officer's decision will be final. If the parent/guardian does not agree with the decision, the parent/guardian has the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the hearing officer, or both.

FREEDOM OF INFORMATION LAW

East Harlem Scholars Academy II complies with New York State's "Freedom of Information Law" (FOIL). When the school receives a request for information under the Freedom of Information Law, it responds to it in the following manner:

- Within five business days of receipt of a written request, the school shall make the information available to the person requesting it, deny the request in writing, or provide a written acknowledgment of receipt of the request that supplies an approximate date, which shall be reasonable under the circumstances, for when the request will be granted or denied.
- If East Harlem Scholars Academy II determines to grant access to the requested information, and if circumstances prevent disclosure to the person making the request within twenty business days of the acknowledgment of receipt of the request, the school shall state, in writing, both the reason for the delay and a date certain, within a reasonable period of time, depending on the circumstances, when the request will be granted in whole or in part. Failure of the school to conform to the provisions of paragraph one above or this paragraph two, shall constitute a denial of the request for information.
- If an individual is denied access to a record, he or she may, within 30 days (or such period as defined by law, as may be modified over the course of the charter), appeal such denial to the Principal.
- Upon timely receipt of such an appeal, East Harlem Scholars Academy II shall, within 10 business days of the receipt of the appeal (or such period defined by law, as may be modified over the course of the charter), fully explain the reasons for further denial or provide access to the record sought. The school also must forward a copy of the appeal, as well as its ultimate determination, to the New York State Committee on Open Government.

Exceptions to disclosure: East Harlem Scholars Academy II may deny access to a requested record for a variety of reasons, including that: a) such access would constitute an unwarranted invasion of personal privacy; b) such access would violate either state or federal law; c) such records are compiled for law enforcement purposes; and/or d) such records are inter agency or intra agency materials which are not statistical or factual tabulations of data, instructions to staff that affect the public or a final policy. Except for records specified in Public Officers Law §87(3), the school shall not be required to prepare any record that it does not maintain or have in its possession.