

Adult students over 18 years of age and parents/legal guardians will have access to school records of Virtual Learning Academy Charter School (VLACS) students in accordance with federal and state law and this policy.

I. ANNUAL NOTICE

Students, parents or guardians, and adult students over 18 years of age will be requested to acknowledge that they have read the VLACS Student Records Policy upon enrollment in a VLACS course. This policy will be made available to students and parents on VLACS's website.

A. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ANNUAL NOTICE

The Family Educational Rights and Privacy Act ("FERPA") affords parents and students over 18 years of age ("eligible students") certain rights with respect to educational records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day VLACS receives a request for access. Parents/guardians or eligible students should submit to Chief Executive Officer a written request that identifies the records they wish to inspect. The Chief Executive Officer and or his/her designee will make arrangements for access and notify the parent/guardian or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents/guardians or eligible students who wish to ask VLACS to amend a record should write the Chief Executive Officer, 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/guardian or eligible student, the school will notify the parent/guardian or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school 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 school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent/guardian or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent/guardian, student, or other volunteer assisting another school official in performing his or her tasks. Additionally, VLACS may disclose PII to contractors of software or other computer or Internet resources that are used by VLACS to provide on-line educational tools and support for its students. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

4. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by VLACS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

6. FERPA permits the disclosure of information from students' education records, without consent of the parent/guardian or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent/guardian or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents/guardian and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parent/guardians or the eligible student:
 - To other school officials, including teachers, within VLACS or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other third parties to whom the school has outsourced institutional services or functions.
 - To officials of another school, school district, institution of postsecondary education, or other educational agency or institution that has 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.

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, such as the state educational agency in the parent/guardian or eligible student's state (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parent/guardians of an eligible student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency.
- Information the school has designated as "directory information."

B. NOTICE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA) requires that VLACS, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, VLACS may disclose appropriately designated "directory information" without written consent, unless you have advised VLACS to the contrary in accordance with VLACS procedures. The

primary purpose of directory information is to allow VLACS to include this type of information from your child's education records in certain school publications. Examples include:

- Programs showing your student's role in an event;
- Honor roll or other recognition lists;
- Year books; and,
- Graduation programs.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. For example, VLACS may disclose directory information to contractors or consultants providing the on-line educational resources that students may use while attending or taking courses at VLACS.

In addition, federal law requires local educational agencies (LEAs) or school districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide **military recruiters**, upon request, with three directory information categories - names, addresses and telephone listings - unless parent/guardians have advised the LEA or school district that they do not want their student's information disclosed without their prior written consent.

If you do not want VLACS to disclose directory information from your child's education records without your prior written consent, you must notify VLACS in writing within 28 days of activation in a VLACS course. VLACS has designated the following information as directory information:

- Student's name, street address, town or city, and state of residence;
- Degrees, honors, awards, field of study;
- The most recent educational agency or institution attended;
- Dates of attendance;
- Grade level;
- Participation in officially recognized activities;
- Electronic mail address;
- Date and place of birth;
- Telephone number

II. PROCEDURE TO INSPECT AND REVIEW RECORDS

- A. Parents/guardians and eligible students wishing to inspect student records must file a written request to do so with the Chief Executive Officer. Such inspection shall take place during regular school hours or at reasonable times during vacation periods, but not during weekends or holidays.

- B. Single copies of appropriate records shall be made available in a reasonable length of time, but in no case more than 45 days after request has been made in writing to the Chief Executive Officer. The records may be inspected by the parents, guardians, and all students once they reach eighteen in the presence of the records manager or his/her designee.
- C. The school shall make a written record of the disclosure of all student information, except directory information, and such record will be kept in the student's file. This record of disclosure is also available for inspection by the parent/guardian or eligible student. A record of inspections will also be kept.
- D. In cases involving a third party request for records requiring consent for disclosure under law, the student over 18, parent or guardian shall sign a consent form furnished by the Chief Executive Officer. Forms used will identify the records to which access is sought and will be placed in the student's file as a record of the request.
- E. Access will be refused or granted depending upon the propriety of the request and validity of the request and consent forms.
- F. If a request for access is refused, and the party who requested access objects to said refusal, said request will be referred to the Chief Executive Officer for a final ruling.
- G. The Chief Executive Officer shall be the custodian of all student records.

III. **PROCEDURE TO AMEND RECORDS**

- A. The parent(s), guardian(s) of a student under 18, or a student over 18, shall have an opportunity to identify in writing, addressed to the Chief Executive Officer, the record or records which they believe to be inaccurate, misleading, or otherwise in violation of the privacy rights, together with a statement of the reasons for the requested amendment of the record.
- B. A response by the Chief Executive Officer shall be made within fourteen (14) days indicating whether he/she finds the record to be inaccurate, misleading or otherwise in violation of the student's privacy rights and if so how the record will be corrected or deleted. The parent/guardian or eligible student will then be given five (5) days from receipt of the Chief Executive Officer's decision to refer the request on to the Chief Executive Officer for a hearing.
- C. If requested, a hearing before the Chief Executive Officer or his/her designee who does not have a direct interest in the outcome of the hearing, shall be held within a reasonable period of time, but in no case more than forty-five (45) days

after receipt of such a request by the Chief Executive Officer of schools. The parent(s), guardian(s) or student 18 years or older, will have the right to be represented by counsel and to present evidence in support of his/her belief that the record should be amended. A written decision will be rendered within thirty (30) days stating the disposition of the challenge to the record and the reasons for the determination. Although the hearing may be informal in nature, the processes used shall ensure fairness and impartiality. The decision made shall be final and not subject to appeal.

- D. If as a result of the hearing the Chief Executive Officer or his/her designee decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, he/she shall inform the parent/guardian or the eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of VLACS.

Date Adopted: January 3, 2008

Revision Dates: February 10, 2009, March 8, 2012, May 26, 2016, May 23, 2019, September 16, 2021