

Freedom Academy adopts the Federal FERPA law of 1974 with the Hatch and Grassley Amendments

It is the policy of the Freedom Academy Board of Education to follow state and federal laws and guidelines pertaining to student records and family privacy rights. In general, employees are directed not to disclose personal information about students or their school performance unless the individual or agency requesting such information has both a legal right and a legitimate educational need to obtain it.

The purpose of this policy is to assure students and their parents or guardians of their rights under the law, including the following:

- The right to examine and request the amendment of education records (FERPA)
- The right to limit access to student records and/or personal information, in certain circumstances, by requiring the prior written consent of a parent or guardian before the information or records can be released (FERPA)
- The right to be notified of, examine, and either consent to or opt out of, participating in surveys or educational activities that relate to specific protected areas (PPRA and UT Code 53A-13-302)
- The right to deny the release of names, addresses, and telephone numbers of high school students to military or college recruiters (ESEA)

Approval Date:

Family Educational Rights and Privacy Act (FERPA) of 1974

Summary of the Law

1. The law applies to all students once they begin attending classes. The law continues to apply to students even after they have graduated, but ceases to apply upon the death of the student.
2. We may not disclose any information about students, other than directory information, to unauthorized persons or organizations. Non-disclosable information includes things like social security number, grades, academic standing, which classes a student is enrolled in, how many credit hours the student has earned, test scores, student disciplinary records and any other information considered an educational record.
3. Authorized persons and organizations are those who have a legitimate educational interest, are performing a school audit, connected with the juvenile justice system, or have a court order.
 - A. They include employees of Freedom Academy, the Utah State Department of Education, the US Department of Education and other education authorities carrying out official duties, as well as financial aid lenders. Also included are organizations which Freedom Academy has contracted with to perform academic

studies or surveys; these organizations are agents of the school. An example is the National Student Loan Clearinghouse.

B. A legitimate educational interest means that the person or organization is required to perform certain duties and these duties involve the use of student data.

C. Further, a legitimate educational interest in one area does not constitute the right to access student data in other areas. For example, a faculty member must be able to access data about the students he or she is advising. However, this does not automatically give the faculty member the right to access data on students whom he or she is not advising or teaching, or to access data not related to the teaching function.

4. Directory information at Freedom Academy includes: name, local and permanent address and telephone number, participation in officially recognized activities and sports, dates of attendance, enrollment status, and awards received.
5. The parent of a student may declare information concerning him or her to be "Confidential," in which case we cannot release any information, even directory information. In fact, we do not even acknowledge that the student is at Freedom Academy. This is a very important provision given that some families or students may be victims of stalkers or simply wish to protect their privacy. Obviously, this restriction does not apply when providing information to those who have a legitimate educational interest.
6. Persons who are not authorized to receive student data, but who may apply a great deal of pressure include non-custodial parents and grandparents. To repeat, the only information we may give out to people like this is directory information. If you receive a phone call or a visit from someone like this, you should direct the call or person to the director's office.
7. There are exceptions to the rule of non-disclosure which involve health and safety. This means that, to prevent sickness, injury or death, we may disclose information usually held to be protected. Also, an agent of the court with a properly issued court order or subpoena may also receive student data, though we must first attempt to notify the student before complying with the subpoena. All cases like these should be referred to the director's office, which, in turn, consults with legal counsel before complying.
8. Parents of minor students have other rights under FERPA. These include:
 - A. To be informed of third parties seeking access to records their child's records. (e.g. a subpoena).
 - B. To view and inspect their student's educational file with all records.

- C. To be assured their educational records will not be used for purposes other than those for which they were collected.
 - D. To challenge any information and amend said information.
 - E. To have a hearing if the challenge to their educational records is unsuccessful
 - F. To file an explanation if the challenge is denied.
 - G. To file a complaint with the USOE on alleged FERPA violations.
- 9 An educational record is one directly related to a student and maintained by the institution or a party acting for the institution. This definition covers many kinds of records kept at Freedom Academy.
- 10 Non-educational records are:
- A. Personal records kept by a staff member if kept in the sole possession of the one who made the record and never revealed to another individual.
 - B. Law enforcement records maintained solely for law enforcement purposes and revealed only to law enforcement agencies.
 - C. Medical or psychiatric records maintained by SOU Health and Wellness Center and not revealed to those involved with such treatment.
 - D. Alumni records containing non-student data collected on students who no longer attend. This is data which has been collected after the last date of attendance at Freedom Academy.
- 11 Educational records which students cannot review:
- A. Records which do not contain educational information or do not fall into the category of education records because of how they are maintained.
 - B. Financial records of parents.
 - C. Confidential recommendations for the student if the parent has waived the right of access to such information.
 - D. Documents containing information on more than one student.

*****Important Note:**

Since September 11, 2001, the Congress passed new legislation which allows the Attorney General (or designees) to present a subpoena for a student's records where the student is a subject of interest related to enforcement of laws related to terrorism. The subpoena may require that the student expressly NOT be notified. Freedom Academy is required to respond to such a subpoena. If you are served with such a subpoena, you should refer the individual to either the director's office.

Protection of Pupil Rights (20 U.S.C. 1232h); The Hatch Amendment

20 U.S.C. 1232 h Protection of Pupil Rights

SEC. 439 (a) . All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any research or experimentation program or project shall be available for inspection by parents or guardians of the children engaged in such programs or project. For the purpose of this section "research or experimentation program or project" means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques.

No student shall be required, as part of any applicable program, to submit to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning:

1. Political affiliations; 2. Mental and psychological problems potentially embarrassing to the student or his family; 3. Sex behavior and attitudes; 4. Illegal, anti-social, self-incriminating and demeaning behavior; 5. Critical appraisals of other individuals with whom respondents have close family relationships; 6. Legally recognized privileged and analogous relationships such as those of lawyers, physicians, and ministers; or 7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.) without the prior consent of the student (if the student is an adult or an emancipated minor), or in the case of un-emancipated minor, without the prior written consent of the parent.

(20 U.S.C. 1232 h) Enacted August 21, 1974, P.L. 93-380. sec 514 (a), 88 Stat. 574; amended Nov. 1, 1978, P.L. 95-561, sec. 1250, 92 Stat. 2355, 2356, (General Education Provision Act)

THE GRASSLEY AMENDMENT

SEC. 439 (a) All instructional materials, including teachers'; manuals, films, tapes or other supplementary material which will be used in connection with ANY SURVEY, ANALYSIS or EVALUATION as part of ANY APPLICABLE PROGRAM shall be available for inspection by the parents or guardians of the children.

(b) No student shall be required, as part of any applicable program, to submit to a SURVEY ANALYSIS, or EVALUATION THAT REVEALS information concerning: (same as 1 through 7 of

Hatch Act.)

(c) Education agencies and institutions shall give parents and students effective notice of their rights under this section.

(d) ENFORCEMENT -- The Secretary shall take such action as the Secretary determines appropriate to enforce this section except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that:

(1) there has been a failure to comply with such section and (2) compliance with such section cannot be secured by voluntary means.

(e) OFFICE OF REVIEW BOARD -- The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review and adjudicate violations of the rights established under this section.

(20 U.S.C. 1232 h) Enacted, August 21, 1974, P.L. 93-380. sec. 514(a), 88 Stat. 574; amended Nov. 1, 1978, P.L. 95-561. sec. 1250, 92 Stat. 2355, amended Sept. 6, 1984, (20 U.S.C. 1232g) effective Nov. 12, 1984. [Grassley Amendment] effective March 17, 1994, P.L. 103.277 (General Education Provision Act.) *****

To file a complaint you must file with the Family Policy Compliance Office, Washington, D.C. Following is their policy on the Grassley Amendment/Hatch Act and their address and telephone number. This is current information as of 9/22/97.

Family Policy Compliance Office (FPCA)

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C., 1232h, applies to programs that receive funding from the U.S. Department of Education (ED). The Law was amended under the "Goals 2000: Educate America Act" on March 31, 1994. The Department issued a Notice of Proposed Rulemaking (NPRM) on August 28, 1995, to reflect changes in the law. Final regulations are expected in 1 997.

PPRA is intended to protect the rights of parents and students in two ways:

* It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with an ED-funded survey, analysis, or evaluation in which their children participate; and

* It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis or evaluation that reveals information concerning:

1. Political affiliations;

2. Mental and psychological problems potentially embarrassing to the student and his/her family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.)

Parents or students who believe their rights under PPRA may have been violated may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of facts giving reasonable cause to believe that a violation of PPRA has occurred.

For additional information or technical assistance, you may call (202) 260-3887 voice or (202) 260-8965 TDD or contact:

Family Policy Compliance Office U.S. Department of Education 600 Independence Avenue, S.W.
Washington, D.C., 20202-4605