Family Educational Rights and Privacy Act Policy

The Family Educational Rights and Privacy Act ("FERPA") and the California Education Code, including Sections 49060 et seq., provide that a parent has the right to inspect and confirm the accuracy of education records relating to his or her child. FERPA and the California Education Code also restrict the access of outside parties to education records.

I. Definitions

A. Education Record

An education record is any written or computerized document, file, entry, or record containing information directly relating to a student that is compiled and maintained by California Montessori Project (CMP / School). Such information includes but is not limited to:

1. Date and place of birth; parent and/or guardian’s address, and where the parties may be contacted for emergency purposes.
2. Grades, test scores, courses taken, academic specializations and school activities;
3. Special education records;
4. Disciplinary records;
5. Medical and health records;
6. Attendance records including attendance records from previous schools;
7. Personal information such as, but not limited to, student identification numbers, social security numbers, photographs, or any other type of information that aids in identification of a student. Please note CMP shall not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians, unless otherwise required to do so by state or federal law.

CMP shall not use any school resources or data to create a registry based on race, gender, sexual orientation, religion, ethnicity or national origin.

An education record does not include any of the following:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records maintained by a law enforcement unit of the School that were created by that law enforcement unit for the purpose of law enforcement;
3. Records relating to a School employee that are made and maintained in the normal course of business, relate exclusively to the individual in that individual’s capacity as an employee; and are not available for use for any other purpose;
4. Records that only contain information about an individual after they are no longer a student at CMP;
5. Grades on peer-graded papers before they are collected and recorded by a teacher.
B. Parent

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

II. Annual Notification to Parents and Eligible Students

At the beginning of each school year, CMP shall provide parents with a notice of their rights under FERPA. The notice shall inform the parents that they have the right to:

- Inspect and review the student’s education records;
- Seek amendment of the student’s education records that the parent believes to be inaccurate, misleading or otherwise in violation of the student’s privacy rights;
- Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA and the Code of Federal Regulations authorize disclosure without consent; and
- File with the Department of Education a complaint concerning alleged failures by CMP to comply with the requirements of FERPA and its promulgated regulations.

The notice must also include the following:

- The procedure for exercising the right to inspect and review education records;
- The procedure for requesting amendment of records;
- Assurances CMP will not release information to third parties for immigration-enforcement purposes, except as required by law or court order;
- A description of the types of student records maintained by CMP;
- A list of the circumstances or conditions under which CMP might release student information to outside people or entities;
- A statement that, unless CMP is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, the School shall notify parents, and receive their written consent, before it releases a student’s personally identifiable information.

III. Parental Requests Relating to Education Records

Parents have the right to review the student’s education records. In order to do so, parents shall submit a request to review education records in writing to the campus administration office. Within 30 days, CMP shall comply with the request. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, CMP will provide the parent or eligible student with a copy of the requested records or make other arrangements for inspection and review of the requested records.
A. Copies of Education Records

CMP will provide copies of requested documents within 10 working days of a request for copies. The School may charge reasonable fees for copies it provides to parents, unless it effectively prevents a parent from exercising the right to inspect and review the education records. The charge will not include a fee to search for or to retrieve the education records.

B. Request for Amendment to Education Records

If upon review, a parent discovers any information or notation that is factually inaccurate, misleading or in violation of the student’s right of privacy, they may request, in writing, that CMP amend the record. The request must be submitted within thirty (30) days of the discovery of the inaccurate or misleading information or a violation of the student’s right of privacy. The School will respond within ten (10) working days of the receipt of the request to amend. CMP’s response will be in writing, and if the request for amendment is denied, the School will set forth the reason for the denial and inform the parent of their right to a hearing challenging the content of the education record.

C. Hearing to Challenge Education Record

If CMP denies a parent or eligible student’s request to amend an education record, the parent may request in writing that they be given the opportunity for a hearing to challenge the content of the student’s education records on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.

The hearing to challenge the education record shall be held within 30 days of the date of the request for a hearing. A notice of the date, time, and place of the hearing will be sent by CMP to the parent or eligible student no later than 20 days before the hearing.

The hearing will be conducted by the California Montessori Project Superintendent or their designee. The parent will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent may also, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney. The superintendent or designee’s decision will be based solely on the evidence presented at the hearing. Within 30 days of the conclusion of the hearing, the School’s decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the School decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it will amend the record accordingly and inform the parent of the amendment in writing.

If, as a result of the hearing, the School decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent of the right to place a statement in the record commenting on the contested information in the record, or state why they disagree with the decision of the School, or both. If the School places a statement by the parent in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained, and disclose the statement whenever it discloses the portion of the record to which the statement relates.
IV. Disclosure of Education Records

CMP must have a signed and dated written permission from the parent before releasing any information from a student’s education record with the exceptions listed below. With the exceptions listed below, the School will not release education records to any person or entity outside the School without the written consent of a parent. The written permission must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made. When disclosure is made pursuant to written permission, the parent may request a copy of the disclosed records. Signed and dated written consent may include a record and signature in electronic form if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person’s approval of the information contained in the electronic consent. CMP shall permanently keep the consent notice with the record file. A parent is not required to sign the consent form. If the parent refuses to provide written consent for the release of student information that is not otherwise subject to release, the School shall not release the information.

CMP shall avoid the disclosure of information that might indicate a student’s or family’s citizenship or immigration status if the disclosure is not authorized by FERPA. No student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena. Immigration-enforcement agencies do not have a legitimate educational interest in a student’s or family’s citizenship or immigration status.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the School prohibits disclosure, CMP shall provide parental notification of any court orders, warrants, or subpoenas before responding to such requests.

CMP will only disclose personally identifiable information on the condition that the receiving party not disclose the information to any party without the prior consent of the parent and that the receiving party use it for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below, and the School maintains the appropriate records, as described below. Except for disclosures pursuant to a judicial order or lawfully issued subpoena, to parents, the School will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior writing consent of the parent and that the receiving party use it for the purpose for which the disclosure was made.

If CMP receives an information request related to a student’s or family’s immigration or citizenship status, the School personnel shall take the following action steps:

- Notify the superintendent or their designee about the information request;
- Provide students and families with appropriate notice and a description of the immigration officer’s request;
- Document any verbal or written request for information by immigration authorities;
- Unless prohibited, provide parents with any documents issued by the immigration-enforcement officer.
CMP will train its personnel regarding gathering and handling sensitive student information as identified in this policy.

CMP will disclose education records, without consent, to the following parties:

a. School employees who have a legitimate educational interest as defined by 34 C.F.R. Part 99;

b. Contractors, consultants, volunteers or other parties to whom the school has outsourced institutional services or functions may be considered a school official provided that the outside party performs an institutional service or function for which the school would otherwise use employees, is under the direct control of the school with respect to the use and maintenance of records, and is subject to the requirements of 34 C.F.R. § 99.33(a) governing the use and redisclosure of personally identifiable information;

c. Other schools to which a student seeks or intends to enroll;

d. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;

e. Appropriate parties in connection a student’s application for, or receipt of, financial aid to a student if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;

f. Organizations conducting certain studies for the School in accordance with 20 U.S.C. § 1232g(b)(1)(F);

g. Accrediting organizations in order to carry out their accrediting functions;

h. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;

i. Individuals who have obtained lawful court orders or subpoenas, with prior notice to parents with some exceptions;

j. Persons who need to know in cases of health and safety emergencies;

k. State and local authorities, within a juvenile justice system, pursuant to specific State law;

l. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by CMP with respect to that alleged crime or offense. The School may disclose the final results of the disciplinary proceeding, regardless of whether the School concluded a violation was committed;

m. The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purpose of conducting program monitoring, evaluations and performance measurements of the School, provided the data is reported in the appropriate form provided by law;

n. An agency caseworker or other representative of a State or local child welfare
agency or tribal organization who has the right to access a student’s case plan, when such agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, provided those records will not be disclosed by such agency or organization, except as required by law;

o. Other disclosures as provided by applicable law.

V. Requirements in Specific Disclosure Situations

If CMP education records pursuant to Section IV.b. above without consent to officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll, CMP will make a reasonable attempt to notify the parent at their last known address, unless the disclosure is initiated by the parent. Additionally, the School will give the parent, upon request, a copy of the record that was disclosed and give the parent, upon request, an opportunity for hearing pursuant to Section IV.c. above.

VI. Record Keeping Requirements

CMP will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the parties who have requested or received the information and the legitimate interests the parties had in requesting or obtaining the information.

For disclosures of personally identifiable information to institutions that make disclosures of the information on behalf of CMP in accordance with 34 C.F.R. 99.33(b), the record must include the names of the additional parties to which the receiving party may disclose the information on behalf of the School and the legitimate interests that each of the additional parties has in requesting or obtaining the information.

These record keeping requirements do not apply to requests from or disclosure to parents, School officials with a legitimate purpose of inspecting the records, a party with written consent from the parent, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of personally identifiable student information may be inspected by parents, School officials (or their assistants) responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of the School.

VII. Complaints

Parents have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202