

Family Education Rights and Privacy Act (FERPA)

Michigan Virtual Charter Academy maintains records concerning all children enrolled, including students with disabilities. Records containing personally identifiable information about or related to children with disabilities could include, but are not limited to, cumulative grade reports, discipline records, enrollment and attendance records, health records, individualized education programs, notices of recommended assignment, notices of intent to evaluate and to reevaluate, comprehensive evaluation reports, other evaluation reports by public school staff and by outside evaluators, work samples, test data, data entered into the Michigan Student Data System (MSDS), correspondence between school staff and home, instructional support team documents, referral data, memoranda and other education-related documents. Records can be maintained electronically, on paper, microfiche, audio and videotape. Records can be located in the central administrative offices of the Michigan Virtual Charter Academy, electronic storage systems and in the secure possession of teachers, school administrators, specialists, psychologists, counselors and other school staff with a legitimate educational interest in the information contained therein. All records are maintained in the strictest confidentiality. Records are maintained as long as they remain educationally relevant. The purposes of collecting and maintaining records are to:

- ensure that the child receives programs and services consistent with his or her IEP
- monitor the ongoing effectiveness of programming for the child
- document for the public school and the parents that the student is making meaningful progress
- satisfy the requirements of state and federal agencies who have an interest in inspecting or reviewing documents concerning particular students or groups of students for purposes of compliance monitoring, complaint investigation, and fiscal and program audits
- inform future programming for and evaluations of the child.

When educational records, other than those required, are no longer educationally relevant, the public school shall notify parents in writing and may destroy records or, at the request of the parents, may destroy said records. Public schools are not required to destroy records that are no longer educationally relevant unless the parents request so in writing.

The Family Educational Rights and Privacy Act (FERPA), affords parents and students over 18 years of age (“eligible student”) certain rights with respect to the student’s educational records. They are:

- the right to inspect and to review the student’s educational records within 45 days of the date Michigan Virtual Charter Academy receives a request for access

- the right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading
- the right to consent to disclosure of personal information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent
- the right to file a complaint with the U.S. Department of Education concerning alleged failures by Michigan Virtual Charter Academy 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
600 Independence Avenue, SW Washington, DC 20202-4605

Parents or eligible students (age 18 and above) may ask Michigan Virtual Charter Academy to amend a record that they believe is inaccurate or misleading. They should write the school administrator, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If Michigan Virtual Charter Academy decides to not amend the record as requested by the parent or eligible student, notice will be given to the parent or eligible student of the decision. Information will be given advising him or her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be included to the parent or eligible student when they are notified of the right to a hearing.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by Michigan Virtual Charter Academy as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom Michigan Virtual Charter Academy has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. 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. Upon request, Michigan Virtual Charter Academy discloses education records without consent to officials of another school in which a student seeks or intends to enroll. (Note: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.)

(Note: Directory information includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study,

participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.)