



Student Records Retention Policy
Adopted: November 4, 2024

PURPOSE

Philadelphia Hebrew Public Charter School (“PHPCS” or the “School”) recognizes its responsibility for the compilation, retention, disposition and security of student records, and also recognizes the legal requirement to maintain the confidentiality of student records.

This policy has been prepared to ensure that records compilation and storage is conducted in accordance with applicable law, and to establish safeguards to protect the student and his/her family from an invasion of privacy when collecting, retaining and disseminating student information and providing access to authorized persons.

This policy incorporates the requirements of previously issued, but not yet replaced, provisions from the Regulations of the State Board of Education of Pupil Records (PA Code 22, Ch. 12); the Family Educational Rights and Privacy Act of 1974 (“FERPA”), and its implementing federal regulations (34 CFR Part 99); and the Individuals with Disabilities in Education Act, as amended (“IDEA”), and its implementing federal (34 CFR Part 300) and state regulations (22 Pa. Code, Ch. 711).

Information in this policy will be reviewed and updated as necessary.

DEFINITIONS

Authorized school official – means an administrator, supervisor, instructor, or other school official who has a legitimate educational interest (as defined below) in the student’s education.

Biometric Record – as used in the definition of “personally identifiable information,” means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequences, facial characteristics, and handwriting.

Destruction – means physical destruction or permanent expungement of personally identifying data from a student’s educational records so the information in those records is no longer personally identifiable.

Directory information – includes the following information relating to a student: the student’s name, address, email address, telephone number, date and place of birth, names of parents and siblings, whether the student graduated and date of graduation, 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 student identification number, user identification number, or code when such number

or code cannot alone be used to access education records, without some other identifier known only to the authorized user of an electronically access information system or database (such as a password).

Education record/records – any personally identifiable information recorded or stored by any means that is directly related to a student and is maintained by PHPCS. The term does not include the following: (a) records of instructional, supervisory, and administrative personnel that are kept in the sole possession of the maker of the record and the contents of which are not accessible or revealed to any other person except a substitute for the maker of the record; (b) records that contain only information about the student after he or she is no longer a student at PHPCS; (c) grades and other forms of peer assessment or rating before they are collected and recorded by a teacher; and (d) other records specifically excluded from the definition of “education record” under the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, and its implementing regulations at 34 C.F.R. Part 99.

Electronically Stored Information (ESI) – includes but is not limited to, emails and other electronic documents. The possible sources/locations of ESI include, but are not limited to, individual hard drives, local and remote services, cloud-based storage, and removable media and devices used to conduct PHPCS business.

Eligible student – means a student who has attained eighteen (18) years of age, or is attending an institution of postsecondary education.

Maintain or maintained – In the case of personally identifiable information on paper, the term shall mean kept in a secure file or desk drawer or in the continuous and secure control of a school official with a legitimate educational interest in the content thereof. In the case of personally identifiable information that is electronically-stored, including email, the term shall mean kept in a secure database located on a server, disk, or other electronic storage system specifically designated by PHPCS as a site for the storage of student records.

Personally identifiable – Any one or more of the following:

1. The student’s name;
2. The name, including maiden names, of any member of the student’s family;
3. The current or past address, or the date or place of birth, of the student or any member of the student’s family;
4. A personal identifier such as a social security number, student number or code, or biometric information consisting of one or more measurable biological or behavioral characteristics that can be used for automatic identification of an individual;
5. Information that, alone or in combination, is linked or linkable to a specific student such that a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, could use such information to identify the student with reasonable certainty; or
6. Information requested by a person whom the educational agency or institution reasonably believes knows the identity of the student to whom such information relates.

Release – the giving of access to or the allowance of inspection, transfer, disclosure, or communication of any portion of a student’s education records which includes in it personally identifiable information; the term also means release to any person by any means.

School official with a legitimate educational interest – Any employee, officer, agent, trustee, consultant, or contractor of, or any volunteer acting on behalf of PHPCS, any public or private school or facility that PHPCS is using or is proposing to use to provide elementary education to the

student in place of a public school, who is or will be responsible for providing or supervising the provision of education or education-related services, when particular information concerning that student is presently or potentially relevant to the design or provision of instruction or other education services, or such information is necessary to protect the health, safety, or welfare of the student or others.

Student - means school-aged person who was or is enrolled in PHPCS, with respect to whom PHPCS maintains education records.

Parent – includes a parent, guardian or a surrogate parent who acts as a parent in the absence of a parent or guardian. Unless there is a state law or court order which provides to the contrary, PHPCS may presume that the parent has the authority to exercise the rights inherent in the Family Educational Rights and Privacy Act of 1974.

COLLECTION OF EDUCATION RECORDS

- A. Initiation of education records – An official student record shall be initiated by PHPCS and shall be maintained by the Head of School or his/her designee. The Director of Specialized Services shall maintain special education records under the same conditions.
- B. Transfer of special education records
 - 1. When education records for a child with a disability are transferred from a public agency to PHPCS, the public agency, private school, approved private school or private agency from which the child transferred shall forward all of the child's education records, including the most recent IEP, within 10 days after the public agency, private school or private agency is notified in writing that the child is enrolled in a charter school. PHPCS shall seek these records for all newly enrolled students and follow up on any unfulfilled requests for records.
 - 2. When a child with a disability transfers to another public agency, public school, or private school from PHPCS, the charter school shall forward the child's education records, including the most recent IEP, within 10 school days after the charter school is notified in writing that the child is enrolled at another public agency, private school, approved private school or private agency.
- C. Transfer of regular education records
 - 1. If PHPCS receives a request for educational records from another school district or charter school, PHPCS shall forward the records within ten (10) business days of receipt of the request.
- D. Transfer of disciplinary records
 - 1. Whenever a PHPCS student transfer to another school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the student has transferred, upon written request by the school entity or nonpublic school to which the student has transferred. The disciplinary record shall be supplied to the receiving school within ten (10) days from

receipt of the written request to supply a certified copy of the student's disciplinary record.

INSPECTION/REVIEW AND DISCLOSURE OF EDUCATION RECORDS

A. Access

1. Education records subject to this Policy, other than those records or portions of records that contain "directory information," are not considered "public records" subject to access or disclosure under the Pennsylvania Right to Know Law, 65 Pa.C.S. § 67.101 *et seq.*

B. Parent's right to inspect or examine official student records.

1. Parent or eligible student – Parents wishing to inspect, review or copy education records should submit a written request to the Head of School or designee that identifies the record(s) they wish to inspect, review or copy. The School shall comply with a proper request within a reasonable period of time, but not exceeding 45 days after the request is received. PHPCS staff shall make reasonable efforts to ensure that requested records are provided to the parents at the earliest possible date.
2. Parents of students receiving specialized services – Parents of children in special education and/or receiving services pursuant to a Section 504 plan may also review all education records relating to the identification, evaluation, educational placement of, and the provision of free appropriate public education for their child. Written requests to inspect or examine records should be addressed to the Head of School. The School shall comply with a parent's request to inspect and review education records on the parent's child without unnecessary delay (within 20 business days of the request) or before any meeting regarding a child's IEP, any impartial due process hearing, or hearing regarding discipline.
3. The right to inspect and review education records includes:
 - a. The right to a response from PHPCS to reasonable requests for explanations and interpretations of the record.
 - b. The right to request that PHPCS provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review.
 - c. The right to have a representative of the parent inspect and review the records.
4. If circumstances effectively prevent the parent from exercising the right to inspect and review, the School shall (1) provide the parent with a copy of the

records, or (2) make other arrangements for the parent to inspect and review the records. The School may charge a fee, equal to the actual cost of reproduction, for copies of records that are made for parents, if the fee does not effectively prevent the parents from exercising their right to inspect and review the records. The School will not charge a fee to search for or to retrieve information.

5. In the event that parents of a student are separated or divorced, either or both parents may have access unless a court order prohibits such access to a particular parent. In cases where the divorce decree limits the rights of the non-custodial parent with respect to visitation or knowledge of the child, the non-custodial parent shall be denied access to the child's records. The burden to produce the court order to deny access is on the parent seeking to deny access.
 6. Parents and students will be informed of the list of types of student records and their right of access to them. The information will be distributed annually via annual notice and shall be contained in the Parent/Student Handbook and/or published on the School's public website.
 7. If any education record includes information on more than one child, the parents of one of the children have the right to inspect and review only the information relating to their child or to be informed of that specific information. A Parent has the right to copy from or receive a copy of an education record originally containing information on more than one child, but prior to doing so, PHPCS shall delete, or remove from the record any personally identifiable information concerning any child who is not the child of the parent.
 8. The School shall provide parents, on request, a list of the types and locations of education records collected, maintained or used by the School.
- C. Disclosure of records with written consent – Whenever records are disclosed upon written consent, it shall be only under the following circumstances:
1. The parent or eligible student shall provide a signed and dated written consent before PHPCS discloses personally identifiable information from the student's education records (except as provided in FERPA, Sec. 99.31).
 - a. "Signed and dated written consent" may include a record and signature in electronic format that (1) identifies and authenticates a particular person as the source of the electronic signature; and (2) indicates the person's approval of the information contained in the electronic format.
 - b. PHPCS shall obtain consent from a parent or eligible student before disclosing personally identifiable information to parties other than school officials with a legitimate educational interest or other educational institutions that provide special education services to a student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the

disclosure is permitted without parental consent under law and regulations.

- c. PHPCS shall obtain consent from a parent or eligible student before releasing personally identifiable information to officials of participating agencies providing or paying for transition services.
 - d. If a student is enrolled, or is going to enroll in a private school, PHPCS shall obtain parental consent before any personally identifiable information about the child is released.
2. The written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party to whom the disclosure may be made. Upon request, the parent or eligible student shall be provided with a copy of the records disclosed.
 3. Where individual consent is required, the student's consent shall also be obtained when he or she is reasonably competent to understand the nature and consequences of his or her decision.
 4. No statement of consent shall be binding unless it is freely given after the parent or eligible student has been fully informed as to the methods by which the information will be collected and the uses to which it will be put.
- D. Disclosure of records without written consent – Pursuant to Sec. 99.31 (FERPA), PHPCS may disclose personally identifiable information from the education record of a student without consent of the Parent if the disclosure meets the conditions therein, including but not limited to one or more of the following conditions:
1. The disclosure is made to the professional staff of PHPCS or other parties deemed school officials who have been determined to have a specific, legitimate educational interest, including teachers, administrative personnel, counselors, speech therapists, psychologists, and school nurse. Specifically excluded are student teachers. Written consent must be obtained by student teachers for the preparation of case histories to fulfill college requirements.
 2. Law enforcement and judicial authorities may receive a report of a crime committed by a child with a disability from the School. The School is not prohibited from reporting a crime committed by a child with a disability to appropriate authorities.
 - a. When reporting a crime committed by a child with a disability, the School shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

- b. When reporting a crime under this section, the School may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.
3. The officials of another school system in which the student intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer.
 - a. The School shall make reasonable efforts to notify the parent or eligible student of the material to be disclosed and of their right to obtain copies of the material to be disclosed and to request amendment of the record, unless:
 - (1) the disclosure was initiated by the parent or eligible student, or
 - (2) the School's annual notification specifies that education records will be forwarded upon request to other schools where the student seeks admission or intends to enroll or is already enrolled.
4. Federal and state officials for the purpose of an audit and evaluation of federally supported education programs or for enforcing or complying with federally legal requirements which relate to these programs. Information provided shall contain the minimum necessary information that is personally identifiable, and such information shall be destroyed upon completion of such audit, evaluation, enforcement or compliance.
5. Persons or agencies in compliance with a judicial order pursuant to any lawfully issued subpoena, but only if PHPCS makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a subpoena and the court or other issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
6. The disclosure is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. PHPCS may consider the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If PHPCS discloses personally identifiable information pursuant to this exception, it shall record the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure.
7. The disclosure is to authorized representatives of the Secretary of Education of the United States, or to state and local educational authorities.
8. The school may provide anonymous directory information from its records, including the official student record, for research purposes without consent under conditions where there is no likelihood of identifying any individual.

9. A state or local child welfare agency casework or other representative, when the agency has legal responsibility for the child's care and protection. Proof of the relationship with the child must be provided.
10. Disclosure of Directory Information – Directory Information may be released without the consent of a parent. However, each school year PHPCS must tell parents about directory information and allow parents a reasonable amount of time to request that the school not disclose directory information of his or her child. That notice shall be presented in the following, or substantially similar, form:

If you do not want PHPCS to disclose directory information from your child's education records without your prior written consent, please write and sign a letter to the school including the statement below within sixty (60) days of your students' enrollment:

I have read this statement of privacy rights to information in my student's education record and request that Philadelphia Hebrew Public Charter School NOT disclose any personally-identifiable information from my student's records, including what is called "directory information," without my prior written consent, to any outside person or organization.

- E. Lists identifying names and addresses of students shall not be released to any outside agency.
- F. Requests for inspection and disclosure
 1. The School shall maintain a record, with the student's education record, of each request for access to and each disclosure of personally identifiable information. For each request or disclosure, the record must include the parties who have requested or received information, their legitimate interest, and the date access was given.
 2. Exceptions include the Parent(s), eligible student, school officials, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement.
 3. The Head of School of PHPCS shall maintain a current listing of the names and positions of those who are authorized to have access to personally identifiable information in the education records of all students.

MAINTENANCE AND DESTRUCTION OF EDUCATION RECORDS

Information no longer relevant to and necessary for the provision of educational services to a student shall be destroyed in a confidential and secure manner. Special Education records shall be retained for a period of at least six (6) years after a child's graduation from PHPCS or six (6) years

after that child is no longer of school age. All other records shall be retained for a period of six (6) years after a student's last date of enrollment at PHPCS.

The above represents a minimum retention period. PHPCS shall make a good faith effort to periodically and systematically review and destroy records as contemplated above; however, nothing in this policy shall be construed as a guarantee that every applicable record will be destroyed on the exact date on which the minimum retention period has been satisfied.

PHPCS may retain a written record of a student's name, address, telephone number, grades, attendance records, classes attended, grade level completed and year completed indefinitely. PHPCS may also retain indefinitely student information contained in PHPCS's student information system and/or database(s).

Notwithstanding the minimum retention periods listed above, PHPCS will comply with any court order directing the expungement or destruction of student records upon the terms and conditions outlined in such court order.

An education record shall not be destroyed by the School if there is an outstanding request to inspect and review it by the Parent or eligible student.

The destruction of records of students with disabilities is subject to other conditions in addition to the retention periods set forth above:

1. PHPCS shall inform the parents of a student with a disability when personally identifiable information in the records of the student is no longer relevant to and necessary for the provision of educational services to the student, and as a result, will be destroyed. Parents shall be provided notice of their right to receive a copy of the material to be destroyed prior to its destruction.

2. PHPCS shall not destroy education records containing information necessary for the education of a student who is enrolled at PHPCS, whether or not that student actually attends school at the PHPCS building.

3. PHPCS shall maintain records needed for financial or programmatic audits of any program receiving Federal funding for three (3) years after the completion of the activity for which the funding was used.

AMENDMENT OF EDUCATION RECORDS

- A. A parent or student who believes that information contained in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy rights of the child, may make a request to the Head of School that the records be amended.
- B. PHPCS shall decide whether to amend the information in accordance with the request within 10 business days from receipt of the request.
- C. If the School agrees to amend the disputed information, the parent or student shall be notified in writing.

- D. If the School refuses to amend the information in accordance with the request, it shall inform the parent or eligible student in writing of the refusal, the reason(s) for that refusal, and his or her rights to a hearing under FERPA, Sec. 99.21.

HEARINGS: RIGHTS AND PROCEDURES

- A. The School shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy rights of the child.
- B. The hearing must meet, at a minimum, the following requirements:
1. The School shall hold the hearing within 20 business days after it has received the request for a hearing.
 2. The School shall give the parent or eligible student notice of the date, time, and place of the hearing, within 5 business days of the request.
 3. The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.
 4. The parent or eligible student shall be afforded a full and fair opportunity to present evidence to challenge the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. The parent or eligible student may, at their own expense, be assisted or represented by individuals of his or her choice, including an attorney.
 5. The decision of the School shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision. This decision will be rendered in writing within a reasonable period of time after the hearing, which shall not exceed thirty (30) days. A copy of the decision will be retained in the official student record.
 6. Parents may not use the FERPA records amendment hearing process to challenge a grade, opinion, or substantive decision made by PHPCS about a student. FERPA was intended to require schools to conform to fair recordkeeping practices, and not to override accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Thus, while FERPA affords parents the right to seek amendment to education records that contain inaccurate information, this right cannot be used to challenge a grade or an individual's opinion, or a substantive decision made by a school about a student (e.g., suspension). If FERPA's amendment procedures, as described above and in this paragraph, are not applicable to a parent's request for amendment of education records, PHPCS is not required to hold a hearing on the matter.

7. Nothing in this Policy shall be construed to mean that the Parent and PHPCS may not, by mutual agreement, meet prior to a parent request for a hearing to discuss the concerns of the parent regarding the accuracy or inaccuracy of the records of the student and to reach a resolution.

C. Hearing Results

1. If, as a result of the hearing, PHPCS decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the child, it shall amend the information accordingly and so inform the parent in writing.
2. If, as a result of the hearing, PHPCS decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the child, it shall inform the parent of the right to place in the child's records, a statement commenting on the information or setting forth reasons for disagreeing with the decision. The statement must:
 - a. Be maintained as part of the records of the child as long as the contested portion is maintained.
 - b. Be disclosed, if the records of the child or the contested portion is disclosed to any party.

LEGAL HOLDS

When a matter is likely to lead to litigation by or against PHPCS, a "legal hold" will be placed requiring that education records, including ESI, relating to the matter, incident, person or entity, be retained by PHPCS until such time as the legal hold is lifted, regardless of minimum retention periods that would dictate otherwise.

PARENT NOTIFICATION

- A. Annual notice: at least once per year, parents will receive a description of their rights under FERPA and implementing regulations, including the right to:
 1. Inspect and review the student's education records
 2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
 3. Be notified of the procedures for:
 - a. Exercising the right to inspect and review education records
 - b. Requesting the amendments of records
 4. Consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA, Sec. 99.31

authorizes disclosure without consent to, for example, school officials with legitimate educational interest.

5. File, with the U.S. Department of Education, a complaint concerning alleged failures by the School to comply with the requirements of the Act.

B. Upon request, parents may receive:

1. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods used to gather information (including the source), and the uses to be made of the information.
2. A summary of the policies and procedures regarding the storage, disclosure to third parties, retention, and destruction of personally identifiable information.
3. Specification of criteria for determining who constitutes school officials and what constitutes a legitimate educational interest.
4. A list of the types and locations of education records collected, maintained, or used by PHPCS .

C. PHPCS shall provide effective notification to parents or eligible students identified as having a primary or home language other than English and to parents or eligible students who are disabled.

SAFEGUARDS

- A. PHPCS shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
 - a. Electronic transmissions. The School shall ensure that any records kept or transmitted electronically are subject to high standards of electronic security.
 - b. Confidentiality notice. All School email correspondence shall include the following confidentiality notice:

If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited.

- B. The Head of School shall assume responsibility for ensuring the confidentiality of any personally identifiable information
- C. All persons collecting or using personally identifiable information shall receive training or instructions regarding policies and procedures.

- D. The School shall maintain, for public inspection, a current listing of the names and positions of those school employees who may have access to personally identifiable information.
- E. Children shall be afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type of severity of disability, if any.
- F. Parents and students who wish to file complaints with regard to compliance with this policy may do so by contacting the Head of School. If further appeal is necessary, the parent or eligible student may contact the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Ave. SW, Washington, DC 20202-4605, Phone: (202) 260-3887. With regard to complaints concerning violation of privacy rights in special education, contact may be made to: Chief, Division of Compliance, Monitoring and Planning, Bureau of Special Education, Pennsylvania Department of Education, 333 Market St., 7th Floor, Harrisburg, PA171260333.

IMPLEMENTATION

- A. Head of School or designated professional personnel will screen all students' records to eliminate any material in contradiction to this Policy.
- B. Items removed from the file during the screening process will be destroyed.
- C. Upon adoption of this policy by the Philadelphia Hebrew Public Charter School Board of Trustees:
 - 1. Parents and eligible students will be notified annually of the policies and procedures.
 - 2. Professional staff will be informed of this policy through in-service education.
- D. Copies of this Policy will remain on file with the Head of School and be available upon request.