



Family Educational Rights and Privacy Act (FERPA) Policy and Procedures

1. Purpose

This policy ensures that Phoenix Modern complies with the Family Educational Rights and Privacy Act (FERPA), a federal law that protects the privacy of student education records and outlines rights for parents of enrolled students.

2. Scope

This policy applies to all education records maintained by Phoenix Modern for students in Kindergarten through 8th grade. It covers the collection, access, amendment, and disclosure of student information.

3. Definitions

- Education Records: Any record directly related to a student and maintained by the school or an entity acting for the school. Exclusions include law enforcement records, sole possession notes, and peer-graded assignments before they are recorded by a teacher.
- Parent: Includes natural parents, guardians, or individuals acting as parents in the absence of a parent or guardian.
- Eligible Student: A student who is 18 years old or attending a postsecondary institution. At our K–8 school, parents hold FERPA rights.
- Personally Identifiable Information (PII): Includes names, addresses, personal identifiers (e.g., student ID), or any information that would allow a reasonable person to identify the student.
- Directory Information: Information that is not generally considered harmful or an invasion of privacy if disclosed (see Section 5.4).

4. Parent Rights Under FERPA

Parents have the right to:

1. Inspect and Review Education Records within 45 calendar days of the school receiving a written request.

2. Request an Amendment to records believed to be inaccurate, misleading, or in violation of privacy rights.
3. Consent to Disclosures of PII from education records, except in cases permitted by law.
4. File a Complaint with the U.S. Department of Education regarding possible FERPA violations.

5. Procedures

5.1 Reviewing Education Records

- Parents must submit a written request to the Operations Director or School Director to review records.
- The school will provide access within 45 days.
- If distance prevents in-person access, alternative arrangements (e.g., providing copies) will be made.

5.2 Requesting an Amendment to Records

- Requests must be in writing, specifying the part of the record and why it is believed to be inaccurate or misleading.
- The school will respond within 30 days with a decision.
- If denied, the parent has the right to a formal hearing.
- If the outcome remains unchanged after the hearing, the parent may submit a written statement explaining their objection, which becomes a permanent part of the record and is included with any future disclosure.

Note: Requests to change grades, disciplinary actions, or other evaluative decisions are not guaranteed under FERPA and may require alternative dispute resolution, such as under IDEA regulations.

5.3 Disclosures Without Consent

FERPA generally requires written consent before disclosing PII, but allows exceptions, including:

- School Officials with a legitimate educational interest
- Another School where the student seeks or intends to enroll

- In connection with financial aid
- In compliance with a judicial order or lawfully issued subpoena
- In a health or safety emergency
- To authorized government officials for audit/evaluation
- To child welfare or juvenile justice agencies under state law
- To organizations conducting studies for educational purposes

School Officials may include:

- Teachers, administrators, support staff
- Contractors or volunteers performing institutional services

To qualify, they must:

1. Perform services in place of school employees
2. Be under direct school control regarding record use
3. Use records only for authorized purposes
4. Be listed in the school's annual FERPA notice as having a legitimate educational interest

5.4 Directory Information

The following is considered directory information at Phoenix Modern:

- Student name
- Grade level
- Dates of attendance
- Honors and awards
- Participation in school activities
- Photographs

This information may be released without consent, unless a parent opts out in writing within 30 days of receiving this annual notice.

Parents can opt out by submitting a signed form to the school office, indicating which types of directory information may not be shared.

5.5 Recordkeeping

- The school keeps a log of all disclosures of PII, except for disclosures to the parent, the student, school officials, or with prior written consent.
- This log is available to the parent upon request.

6. Annual FERPA Notification

Phoenix Modern will notify parents of their FERPA rights each year using methods likely to reach all families, such as:

- School handbook
- School website
- Email newsletter
- Orientation packet

The notification includes:

- Right to review and amend records
- Right to consent (or not) to disclosures
- List of directory information and opt-out procedure
- How to file a FERPA complaint
- Criteria for school officials and legitimate educational interest

7. Filing a Complaint

If you believe your FERPA rights have been violated, you may submit a written complaint within 180 days to:

Student Privacy Policy Office (SPPO)
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
<https://studentprivacy.ed.gov/file-a-complaint>

8. Staff Responsibilities

All school staff must:

- Maintain the confidentiality of education records
- Access student information only with a legitimate educational interest
- Refrain from discussing confidential information in public settings
- Follow FERPA protocols for disclosures, amendments, and parental communication

9. Policy Review

This policy will be reviewed and updated annually by school leadership to remain in compliance with federal regulations and local practices.