

Board Policy #: 28

SECTION 28 – SCHOLAR POLICY – EDUCATIONAL RECORDS AND SCHOLAR INFORMATION POLICY

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The Board of Directors of Compass Charter Schools, a California nonprofit public benefit corporation operating public charter schools, adopts this Educational Records and Scholar Information Policy to apply to all educational records and scholar information maintained by CCS.

I. DEFINITIONS

1. Education Record

An education record is any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche that directly relates to a scholar and is maintained by CCS or by a party acting for CCS.

Such information includes, but is not limited to:

- a. Date and place of birth; parent and/or guardian's address, mother's maiden name and where the parties may be contacted for emergency purposes;
- b. Grades, test scores, courses taken, academic specializations and school activities;
- c. Special education records;
- d. Disciplinary records;
- e. Medical and health records;
- f. Attendance records and records of past schools attended; and/or
- g. Personal information such as, but not limited to, a scholar's name, the name of a scholar's parent or other family member, scholar identification numbers, social security numbers, photographs, biometric record or any other type of information that aids in identification of a scholar.

An education record does not include any of the following:

- a. 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;
- b. Records maintained by a law enforcement unit of CCS that were created by that law enforcement unit for the purpose of law enforcement;
- c. In the case of a person who is employed by CCS but not in attendance at CCS, records 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 any other purpose;
- d. Records on a scholar who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; b) made, maintained, or used only in connection with treatment of the scholar; and c) disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational

- activities or activities that are part of the program of instruction at CCS;
- e. Records that only contain information about an individual after he or she is no longer a scholar at CCS; or
 - f. Grades on peer-graded papers before they are collected and recorded by a teacher.

2. Personally Identifiable Information

Personally identifiable information (“PII”) is information about a scholar that is contained in his or her education records that cannot be disclosed without compliance with the requirements of the Family Educational Rights and Privacy Act of 2001 (“FERPA”). PII includes, but is not limited to: a scholar’s name; the name of a scholar’s parent or other family member; the address of a scholar or scholar’s family; a personal identifier, such as the scholar’s Social Security number, scholar number or biometric record; other indirect identifiers, such as the scholar’s date of birth, place of birth, and mother’s maiden name; other information that, alone or in combinations, is linked or linkable to a specific scholar that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the scholar with reasonable certainty; or information requested by a person who CCS reasonably believes knows the identity of the scholar to whom the education record relates.

3. Directory Information

CCS may disclose the PII that it has designated as directory information, consistent with the terms of the annual notice provided by CCS pursuant to FERPA (20 U.S.C. § 1232g).

CCS has designated the following information as directory information:

- Scholar’s name
- Scholar’s address
- Parent/guardian’s address
- Telephone listing
- Scholar’s electronic mail address
- Parent/guardian’s electronic mail address
- Photograph/video
- Date and place of birth
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Scholar ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A scholar's SSN, in whole or in part, cannot be used for this purpose.)

4. Parent

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

5. Eligible Scholar

Eligible scholar means a scholar who has reached eighteen (18) years of age.

6. School Official

A school official is a person employed by CCS as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Directors of CCS. A school official also may include a volunteer for CCS or an independent contractor, consultant, or vendor of CCS or other party who performs an institutional service or function for which CCS would otherwise use its own employees and who is under the direct control of CCS with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, therapist, or provider of digital educational platforms and services; a parent or scholar volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, scholar, or other volunteer assisting another school official in performing their tasks.

7. Legitimate Educational Interest

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.

II. DISCLOSURE OF DIRECTORY INFORMATION

At the beginning of each school year, CCS shall provide parents and eligible scholars with a notice containing the following information: 1) The type of PII it designates as directory information; 2) The parent's or eligible scholar's right to require that CCS not release "directory information" without obtaining prior written consent from the parent or eligible scholar; and 3) The period of time within which a parent or eligible scholar must notify CCS in writing of the categories of "directory information" that it may not disclose without the parent's or eligible scholar's prior written consent. CCS will continue to honor a valid request to opt out of the disclosure of a former scholar's directory information made while the former scholar was in attendance unless the scholar rescinds the opt out request.

Restriction on Disclosure of Directory Information to Immigration Enforcement

Compass Charter Schools shall not disclose 'directory information' to any officer or employee of an agency conducting immigration enforcement if such a disclosure would jeopardize the privacy of a scholar's immigration status. Although the school designates certain data—such as scholar names, addresses, and email listings—as 'directory information' for general educational purposes, this information remains protected from disclosure to immigration authorities. Consistent with the California Safe Haven Schools Act (AB 49), school personnel are strictly prohibited from providing any information about a scholar or their family—including home addresses and travel schedules—to immigration enforcement officials, whether in writing or verbally, absent a valid judicial warrant, judicial subpoena, or court order signed by a judge. Administrative warrants (e.g., ICE Form I-200 or I-205) are explicitly deemed insufficient for the release of any scholar data, including directory information.

III. ANNUAL NOTIFICATION TO PARENTS AND ELIGIBLE SCHOLARS

At the beginning of each school year, in addition to the notice required for directory information, CCS shall provide eligible scholars currently in attendance and parents of scholars currently in attendance with a notice of their rights under the FERPA. The notice shall inform the parents and

eligible scholars that they have the right to:

1. Inspect and review the scholar's education records;
2. Seek amendment of the scholar's education records that the parent or eligible scholar believes to be inaccurate, misleading or otherwise in violation of the scholar's privacy rights;
3. Consent to disclosures of PII contained in the scholar's education records, except to the extent that disclosure is permitted without prior written consent pursuant to FERPA;
4. File with the U.S. Department of Education a complaint concerning alleged failures by CCS to comply with the requirements of FERPA and its promulgated regulations; and
5. Request that CCS not release scholar names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

The notice must also include the following:

1. The procedure for exercising the right to inspect and review educational records;
2. The procedure for requesting amendment of records;
3. A statement that CCS forwards education records to other agencies or institutions that have requested the records and in which the scholar seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the scholar's enrollment or transfer; and
4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

IV. PARENTAL AND ELIGIBLE STUDENT RIGHTS RELATING TO EDUCATION RECORDS

Parents and eligible scholars have the right to review the scholar's education records. In order to do so, parents and eligible scholars shall submit a request to review education records in writing to the Superintendent & CEO. Within five (5) business days, CCS shall comply with the request.

1. Copies of Education Records

CCS will provide copies of requested documents within five (5) business days of a written request for copies. CCS may charge reasonable fees for copies it provides to parents or eligible scholars. However, no charge shall be made for furnishing (1) up to two transcripts of former scholars' records or (2) up to two verifications of various records of former scholars. The charge will not include a fee to search for or to retrieve the education records.

2. Request for Amendment to Education Records

Following the inspection and review of a scholar's education record, a parent or eligible scholar may file a written request with the Superintendent & CEO to correct or remove any information in the scholar's education record that is any of the following:

- a. Inaccurate.
- b. Misleading.
- c. In violation of the privacy rights of the scholar.

CCS will respond within thirty (30) days of the receipt of the request to amend. CCS's response will be in writing and if the request for amendment is denied, CCS will set forth the reason for the denial and inform the parent or eligible scholar of their right to a hearing challenging the content of the education record.

If the Superintendent & CEO sustains any or all of the allegations, he or she must order the correction or the removal and destruction of the information. The Superintendent & CEO or designee must then inform the parent or eligible scholar of the amendment in writing.

3. Hearing to Challenge Education Record

If CCS denies a parent or eligible scholar's request to amend an education record, the parent or eligible scholar may, within thirty (30) days of the denial, request in writing that the parent or eligible scholar be given the opportunity for a hearing to challenge the content of the scholar's education record on the grounds that the information contained in the education record is: inaccurate, misleading, or in violation of the privacy rights of the scholar.

The Superintendent & CEO or the Board Chair may convene a hearing panel to assist in making determinations regarding educational record challenges provided that the parent has given written consent to release information from the pupil's records to the members of the panel convened. The hearing panel shall consist of the following persons:

- a. The Superintendent of a public school other than the public school at which the record is on file;
- b. A certificated CCS employee; and
- c. A parent appointed by the Superintendent or by the Board of Directors, depending upon who convenes the panel.

The hearing to challenge the education record shall be held within thirty (30) days of the date of the request for a hearing. Notice of the date, time and place of the hearing will be sent by CCS to the parent or eligible scholar no later than twenty (20) days before the hearing.

The hearing will be conducted by the Superintendent & CEO or designee, who shall not be required to use formal rules of evidence or procedure. The parent or eligible scholar 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 or eligible scholar may also, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney. The decision of the Superintendent & CEO or designee will be based solely on the evidence presented at the hearing and is final. Within thirty (30) days after the conclusion of the hearing, CCS'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, CCS decides that the information is inaccurate, misleading, or in violation of the privacy rights of the scholar, it will amend the record accordingly and inform the parent or eligible scholar of the amendment in writing.

If, as a result of the hearing, CCS decides that the information in the education record is not inaccurate, misleading, or in violation of the privacy rights of the scholar, it shall inform the parent or eligible scholar of the right to place a statement in the record commenting on the contested information in the record or stating why they disagree with the decision of CCS, or both. If CCS places a statement by the parent or eligible

scholar in the education records of a scholar, 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.

V. DISCLOSURE OF EDUCATION RECORDS AND DIRECTORY INFORMATION

CCS must have a signed and dated written consent from the parent or eligible scholar before releasing any non-directory information from a scholar's education record except as provided below. 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 or eligible scholar may request a copy of the disclosed records and CCS shall provide the requestor with a copy of the records disclosed upon request. 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.

CCS will only disclose PII on the condition that the receiving party not disclose the information to any party without the prior written consent of the parent or eligible scholar and that the receiving party use the information for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below. CCS must maintain the appropriate records related to these disclosure exceptions, as described below. Except for disclosures pursuant to a warrant, judicial order or lawfully issued subpoena, or directory information or to parents or eligible scholars, CCS will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior written consent of the parent or eligible scholar and that the receiving party use it for the purpose for which the disclosure was made. Note specifically that CCS will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

CCS will disclose education records, without prior written consent of the parent or eligible scholar, to the following parties:

1. School officials who have a legitimate educational interest as defined by 34 Code of Regulations ("C.F.R.") Part 99;
2. Other schools to which a scholar seeks or intends to enroll so long as the disclosure is for purposes related to the scholar's enrollment or transfer. When a scholar transfers schools, CCS will mail the original or a copy of a scholar's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the pupil intends to enroll. CCS will make a reasonable attempt to notify the parent or eligible scholar of the request for records at their last known address, unless the disclosure is initiated by the parent or eligible scholar. Additionally, CCS will give the parent or eligible scholar, upon request, a copy of the record that was disclosed and give the parent or eligible scholar, upon request, an opportunity for a hearing pursuant to Section (IV)(3) above;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a scholar's application for, or receipt of, financial

aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;

5. Organizations conducting certain studies for CCS in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent scholar as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible scholar of the order or subpoena in advance of compliance, so that the parent or eligible scholar may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
11. A foster family agency with jurisdiction over a currently enrolled or former scholar, a short-term residential treatment program staff responsible for the education or case management of a scholar, and/or a caregiver (regardless of whether the caregiver has been appointed as the pupil's educational rights holder) who has direct responsibility for the care of the scholar, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by CCS for scholar and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by CCS; and/or
12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by CCS with respect to that alleged crime or offense. CCS may disclose the final results of the disciplinary proceeding, regardless of whether CCS concluded a violation was committed.

Disclosure to Immigration Enforcement

Compass Charter Schools personnel are strictly prohibited from disclosing or providing scholar education records or any information about a scholar or their family—whether in writing, verbally, or in any other manner—to any officer or employee of an agency conducting immigration enforcement. Access to such records or information shall only be granted if the official presents either: (1) prior written consent from the scholar's parent or legal guardian; or (2) a valid judicial warrant, judicial subpoena, or court order signed by a judge and specifically directing the school to do so. The school explicitly clarifies that administrative warrants issued by federal immigration authorities (such as ICE Form I-200 or I-205) are not signed by a judge and are therefore insufficient for the release of education records or any non-directory scholar information. Any disclosure made pursuant to a valid judicial order shall be conducted in accordance with the parent notification requirements set forth in federal law (34 C.F.R. § 99.31(a)(9)(ii)). Protected information includes, but is not limited to, personally identifiable information (PII), home addresses, and scholar travel schedules

Parent Notification of Legal Requests for Records

Any disclosure of a scholar's education records by Compass Charter Schools pursuant to a valid judicial warrant, judicial subpoena, or court order for immigration enforcement purposes shall

be conducted in strict accordance with the parent notification requirements set forth in federal law (34 C.F.R. § 99.31(a)(9)(ii)). Before complying with such a judicial order or subpoena, the school shall make a reasonable effort to notify the parent or guardian of the scholar in advance, providing them with the opportunity to seek a protective order or other legal remedy.

Mandatory Board Reporting

The Superintendent & CEO (or designee) shall report any requests for scholar information or access to a school site by an officer or employee of an agency conducting immigration enforcement to the Governing Board in a timely manner. Such reporting shall be provided in a way that ensures the absolute confidentiality and privacy of any potentially identifying information of the scholar or their family.

VI. RECORD KEEPING REQUIREMENTS

CCS will maintain a record of each request for access to and each disclosure of PII from the education records of each scholar 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 PII to institutions that make disclosures of the information on behalf of CCS 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 CCS 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 or eligible scholars, CCS officials with a legitimate purpose of inspecting the records, a party with written consent from the parent or eligible scholar, a party seeking directory information, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of personally identifiable scholar information may be inspected by parents and eligible scholars, CCS 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 CCS.

Scholar cumulative records may not be removed from the premises of CCS, unless the individual removing the record has a legitimate educational interest, and is authorized by the Superintendent & CEO, or by a majority of a quorum of the Board of Directors at a duly agendized meeting. Employees who remove scholar cumulative records or other scholar records from the CCS premises without a legitimate educational interest and authorization may be subject to discipline. Employees are permitted to take scholar work-product, or other appropriate scholar records, off premises without authorization for legitimate academic purposes (e.g. grading work-product, assigning credit, reviewing materials for classroom discussion, etc.)

VII. COMPLAINTS

Parents and eligible scholars have the right to file a complaint with the U.S. Department of

Education concerning alleged failures by CCS 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. 20202-5920

VIII. RECORD RETENTION

CCS complies with the definition and retention of scholar records as established in Title 5 of the California Code of Regulations (“CCR”) sections 431 through 438, per the following:

Mandatory Permanent Pupil Records

Mandatory permanent pupil records must be maintained indefinitely or an exact copy thereof for every scholar who was enrolled in the Charter School. These records are defined as:

- Legal name of pupil
- Date of birth
- Method of verification of birth date
- Sex of pupil
- Place of birth
- Name and address of parent of minor pupil
 1. Address of minor pupil if different than above
 2. An annual verification of the name and address of the parent and the residence of the pupil
- Entering and leaving date of each school year and for any summer session or other extra session
- Subjects taken during each year, half year, summer session or quarter
- If marks or credit are given, the mark or number of credits toward graduation allows for work taken.
- Verification of or exemption from required immunizations
- Date of high school graduation or equivalent

The mandatory permanent student record or a copy thereof shall be forwarded by the Charter School upon request of a public or private school in which the student has enrolled or intends to enroll. If the Charter School forwards the original mandatory permanent student record, a copy must be maintained by the Charter School. If the Charter School forwards a copy, the original must be maintained by the Charter School.

Mandatory Interim Pupil Records

Mandatory Interim Pupil Records must be maintained until judged to be disposable defined as “when the student leaves the charter school or when their usefulness ceases. These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e. 2019-2020 records may be destroyed after July 1, 2023). These records are defined as:

- A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible pupil, or a dependent adult pupil, or an adult pupil, or the custodian of records.
- Health information, including Child Health Developmental Disabilities Prevention

- Program verification or waiver
- Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
- Language training records
- Progress slips and/or notices
- Parental restrictions regarding access to directory information or related stipulations.
- Parental or adult pupil rejoinders to challenged records and to disciplinary action
- Parental authorizations or prohibitions of pupil participation in specific programs
- Results of standardized tests administered within the preceding three years

The mandatory interim scholar record or a copy thereof shall be forwarded by the Charter School upon request of a public school in California in which the scholar has enrolled or intends to enroll. If the transfer is to an out of state or to a private school, the mandatory interim scholar record may be forwarded. If the Charter School forwards the original mandatory interim scholar record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

Permitted Scholar Records

Permitted Scholar Records may be maintained and may be destroyed when their usefulness ceases or after six (6) months following the pupil's completion or withdrawal from school. These records are defined as:

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine discipline data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Attendance records not covered in the 5 CCR § 400

Permitted scholar records may be forwarded upon a request by a public or private school in which a scholar is enrolling. If the Charter School forwards the original permitted scholar record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

Charter School shall update a **former** pupil's records to include the pupil's updated legal name or gender if the school district, charter school, or county office of education receives government-issued documentation, as described, demonstrating that the former pupil's legal name or gender has been changed.

IX. Prohibited Collection of Information

Except as required by state or federal law, or as required to administer a state or federally supported educational program, school officials and employees of Compass Charter Schools shall not collect or maintain information or documents regarding the citizenship or immigration status of scholars or their family members. Furthermore, school personnel are prohibited from inquiring about a scholar's immigration status or the status of their family members during the enrollment process or throughout the scholar's tenure at the school. This prohibition ensures that all scholars, regardless of status, have equal access to educational opportunities in a safe and welcoming environment.

