

## **Washington Heights & Inwood Music Community Charter School Family Educational Rights and Privacy Act (FERPA)**

### **What is the FERPA?**

In accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA), a Federal law designed to protect the privacy of students' records, WHIN Music Community Charter School has adopted the following regulations to protect the privacy rights of its students. These rights are explained below:

- As a parent/guardian or eligible student you may have access to all of the student's education records maintained by the school, including report cards, transcripts, disciplinary records, contact and family information, and class schedules. When these records include information on more than one student, parents/guardians are limited only to information pertaining to his/her child. Unless it is impossible for parents/guardians or eligible students to inspect the records for reasons such as great distance, WHIN is not required to provide copies of materials in education records and if provided, the school may charge a fee for copies (see below under "Accessing Student's Records" section).
- Schools are required to ask for written consent before disclosing your child's personally identifiable information to individuals other than you. However, there are a few exceptions allowed by the law to disclose records and "directory" type information (see below under "Accessing Student's Records" and "Directory Information").
- As a parent/guardian or eligible student, you have the right to review your child's or your education records and to request that a school correct records believed to be inaccurate or misleading (see below under "Amending or Appealing Student's Records").
- Student records or other identifiable information are maintained in a secure location to ensure confidentiality. Records that are no longer required or need to be disposed are done so in a manner that ensures confidentiality and security.

### **Accessing Student's Records**

Schools must honor your request to review your child's education records within 45 days of receiving the request. While you can inspect and review your child's education records, schools are not required to provide copies of materials, except in limited circumstances (for example, for reasons such as great distance), in which case, there may be a fee for copies. For those parents whose children receive services under the Individuals with Disabilities Education Act (IDEA), the school district, local special education director, or state special education director can answer questions about any additional rights and remedies with regard to their children's education records.

The process to access students' records is as follows:

1. All requests to inspect and review a child's record must be in writing and submitted to the main office.
2. Upon receipt, the school will honor a parent's/guardian's request within 45 days. If the requester is not a parent/guardian, the Director of Operations will send a Consent for Release Student Information letter to the parent/guardian asking for permission to release their child's record.
3. Once permission is granted to inspect and review a student's education record, the requester must sign the Record of Access form. If a student has an IEP, the requester must also sign the Confidential File Access Log form<sup>1</sup> in the student folder.

Schools are prohibited from disclosing personally identifiable information about your child without written consent with exception of the following disclosures:

- To school officials with legitimate educational interests;
- To another school at which the student intends to enroll;
- To state or local education authorities for auditing or evaluating federal or state supported education programs, or enforcing federal laws that relate to those programs, and state and local authorities, within a juvenile justice system, pursuant to specific State law;
- To organizations conducting certain studies for or on behalf of the school;
- To accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena; or appropriate officials in cases of health and safety emergencies; and
- Including information the school has designated as "directory information."

### **Amending or Appealing Student Records**

1. If a parent/guardian believes their child's education records contain inaccuracies, are misleading or in violation of their child's right to privacy, he/she may ask that the record be amended. This appeal must be in writing to the School's Executive Leadership and must include the following:
  - a. Information that is claimed to be inaccurate, misleading, or in violation of the student's privacy rights
  - b. Specific records in which the parent/guardian believes the information is contained
  - c. Basis for the claim (i.e., reasons why he/she believes the information is inaccurate, etc.)
  - d. The parent's/guardian's proposed change(s)
2. The Executive Leadership will review the request, make a determination, and send a letter to the requester within fifteen school days of receiving

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<sup>1</sup> Contact the School's office for more information: [office@whinmusic.org](mailto:office@whinmusic.org)



the letter. This letter will lay out the reason(s) for the school's decision in response to the parent's/guardian's request. If the request is warranted, the school may decide to remove, modify, or expunge the information in the record, without this being an acknowledgement that the entry was improper or that any person acted improperly by including the entry on the record.

3. If the request is denied or no ruling is made in the allotted time, the parent/guardian has the right to a formal hearing with a hearing officer appointed by the Board of Trustees. After the hearing, if the school still decides not to amend the record, the parent/guardian has the right to place a statement with the record commenting on the contested information in the record.

While Schools must notify parents and eligible students annually of their rights under FERPA, the actual means of notification is left to the discretion of each school and could be in the form of a special letter, student handbook, newspaper article, among others. This document constitutes the means of notification at WHIN. For additional information or technical assistance you may contact our School's office at [office@whinmusic.org](mailto:office@whinmusic.org).

**More Information** For additional information or technical assistance you may contact our School's office at [office@whinmusic.org](mailto:office@whinmusic.org). For more information about FERPA, you may contact the Department's Family Policy Compliance Officer

Family Policy Compliance Office  
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