

<b>TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION</b>		
<b>STUDENT RECORDS AND CONFIDENTIALITY</b>		<b>6600</b>
<b>ADOPTED:</b> <b>April 9, 2021</b>	<b>REVISED:</b>	<b>MONITORING:</b> <b>Review: Annually</b>

**Student Records.** A cumulative record shall be kept for each student enrolled in an authorized charter school. The folder shall contain a health record, attendance record, and scholarship record; shall be kept current; and shall accompany the student through his/her school career.<sup>1</sup>

The name used on the record of the student entering the school system must be the same as that shown on the birth certificate, unless evidence is presented that such name has been legally changed. If the parent/guardian does not have, or cannot obtain a birth certificate, then the name used on the records of such student shall be as shown on documents which are acceptable as proof of date of birth.

The name used on the records of a student entering the system from another school must be the same as that shown on records from the school previously attended, unless evidence is presented that such name has been legally changed as prescribed by law.

When a student transfers to another school, copies of the student’s records, including the student’s disciplinary records, shall be sent to the transfer school.<sup>2</sup>

All records shall be remitted in accordance with the Family Education Rights and Privacy Act (FERPA).

**Confidentiality of Student Records.** Information collected and maintained about individual students is designed to primarily assist in the educational development of the students and should be accessed and disclosed only for that purpose. Therefore, a school shall keep the education records of all students confidential and allow disclosure only to persons who are legally permitted to review such records. The school shall adopt policies addressing the dissemination of any personally identifiable information and the dissemination of directory information.

**Annual Notification.** Annually, the school shall notify parents/guardians of students and eligible students of each student's privacy rights.<sup>3</sup> The student becomes an “eligible student” when he/she reaches age eighteen (18) or enrolls in a post-secondary school, at which time all of the above rights become the student’s rights.<sup>4</sup> For students enrolling after the above period, this information shall be given to the student’s parents/guardians or the eligible student at the time of enrollment.<sup>5</sup> The notice shall include what information the school designates as directory information, the right of the student’s parents/guardians or the eligible student to:

- (1) Inspect and review the student’s education records;
- (2) Seek correction of items in the record which are believed to be inaccurate, misleading, or in violation of the student’s rights, including the right to a hearing upon request;
- (3) File a complaint with the appropriate state or federal officials when the school system violates laws and regulations relative to student records;

- (4) Obtain a copy of this policy and a copy of the student's educational records; and
- (5) The right to provide consent before the school discloses personally identifiable information from a student's education records, except to the extent that FERPA authorizes disclosure without consent, or where the school system has designated certain information as "directory information." Parents/guardians of students or eligible students have two (2) weeks after notification to advise the school in writing of items they designate not to be used as directory information. The records custodian shall mark the appropriate student records for which directory information is to be limited, and this designation shall remain in effect until it is modified by the written direction of the student's parents/guardians or the eligible student.

The notice shall also include the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

**Directory Information.** Directory information means information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone number, e-mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.<sup>6</sup>

Student directory information for eleventh (11<sup>th</sup>) and twelfth (12<sup>th</sup>) graders shall be made available upon request to persons or groups which make students aware of occupational and educational options, including official recruiting representatives of the military forces of the state and the United States.<sup>7</sup> The school shall annually notify parents that the school releases the names, addresses, and phone numbers of secondary students to military recruiters and institutions of higher education unless parents opt out.<sup>8</sup>

**Confidentiality of Student Information – Media Releases.** The school shall adopt a policy regarding the release of student information for media purposes. All media releases shall comply with FERPA regulations and protect the confidentiality of student information.

**Surveys of Students.**<sup>9</sup> In accordance with the Protection of Pupil Rights Amendment (PPRA) and state law, the school shall adopt a policy addressing the survey of students, collection and use of information for marketing purposes, and certain physical exams, and the rights of parents to inspect third party surveys before they are administered or distributed to students. No student shall be required, as part of any program, to submit to a survey, analysis, or evaluation that reveals information concerning the following without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an un-emancipated minor, without the prior written consent of a parent/guardian:

- (1) Mental or psychological problems of the student or the student's family;
- (2) Sexual behavior or attitudes;
- (3) Illegal, anti-social, self-incriminating, or demeaning behavior;

- (4) Critical appraisals of other individuals with whom respondents have close family relationships;
- (5) Legally privileged relationships;
- (6) Income; or
- (7) The collection of student biometric data involving the analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart-rate variability, pulse, blood volume, posture, and eye-tracking.

The collection of the following student data is strictly prohibited:

- (1) Political affiliation or voting history;
- (2) Religious practices; and
- (3) Firearm ownership.

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Legal References:

<sup>1</sup> 20 U.S.C. § 1232g; T.C.A. § 10-7-503;  
T.C.A. § 10-7-504

<sup>2</sup> T.C.A. § 49-6-3001(c)(1)

<sup>3</sup> 34 C.F.R. § 99.4; 34 C.F.R. § 99.7

<sup>4</sup> 34 C.F.R. § 99.5

<sup>5</sup> 34 C.F.R. § 99.7; T.C.A. § 10-7-504

<sup>6</sup> 34 C.F.R. § 99.3

<sup>7</sup> T.C.A. § 49-6-406; 10 U.S.C. § 503(c)

<sup>8</sup> 20 U.S.C. § 7908

<sup>9</sup> T.C.A. § 49-2-211; T.C.A. § 49-1-701, *et. seq.*; 20 U.S.C. § 1232(h)

Cross References:

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504