



YPI CHARTER SCHOOLS

May 21, 2018

TO: YPI Charter Schools
Board of Directors

FROM: Yvette King-Berg
Executive Director

SUBJECT: Recommendation to approve FERPA compliant Directory Information (DIR) sharing agreement with CharterNation

BACKGROUND

At the June 27, 2014 meeting of the YPICS Board of Directors, the Board unanimously approved agreements between the California Charter Schools Association Advocates (CCSA Advocates). The agreements initiated membership in CharterNation, a mechanism created by CCSA Advocates to share charter-related information and concerns with charter school parents while actively engaging their participation and promoting understanding and awareness of the charter movement in California.

ANALYSIS

Because charter schools typically receive funding from both public and private sources, and may be operated by non-profit organizations, they are often subject to certain prohibitions and limitations relating to the use of their funds and resources for political advocacy. Charter schools, for example, may not use public funds or resources for ballot measure or candidate campaigning.

These laws and regulations, however, certainly do not foreclose all politically-related activity by charter schools. Nor do charter school officials and employees surrender their constitutional rights simply because their schools accept public funds or resources or because they work for a non-profit entity. To the contrary, there are many ways that charter schools and their employees – all the while being mindful to steer clear of certain prohibited activity – may lawfully participate in the political process.

The California Charter Schools Association Advocates initiated the CharterNation project to encourage parents to become active participants in the education process at the local and state level, and “to leverage the power of its parent community to advocate for the promotion and access of public charter schools”.

Once the CharterNation agreement was approved on June 28, 2014, the YPICS schools transferred data related to general parent/student information to the association. The data shared was limited. The revised commitment presented here will allow parents to agree to share their names, addresses, email addresses, phone numbers and other relevant information that will allow for more immediate access to charter families and will be aligned with all requirements of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Each of the YPICS schools yearly informs parents and students of their rights under FERPA through the Home-School Agreement and the CharterNation agreement conforms to the requirements. The specific requirements of FERPA are listed below for the Board's information:

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- *Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.*
- *Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.*
- *Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):*
 - *School officials with legitimate educational interest;*
 - *Other schools to which a student is transferring;*
 - *Specified officials for audit or evaluation purposes;*
 - *Appropriate parties in connection with financial aid to a student;*
 - *Organizations conducting certain studies for or on behalf of the school;*
 - *Accrediting organizations;*
 - *To comply with a judicial order or lawfully issued subpoena;*
 - *Appropriate officials in cases of health and safety emergencies; and*
 - *State and local authorities, within a juvenile justice system, pursuant to specific State law.*

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of

their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

RECOMMENDATION

It is recommended that the Board approve the FERPA compliant Directory Information (DIR) sharing agreement with CharterNation and authorize school Directors to send parent letters home on Tuesday, May 29, 2018 and to be included with upcoming parent orientation information sessions.

Attachments: *Charter Nation slides; Charter Nation Program Overview; opt-out letters*