



## WILDFLOWER NEWYORK CHARTER SCHOOL

### **R-10g - FOIL Policy**

#### **Family Educational Rights and Privacy Act (FERPA)**

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

- o Parents/Guardians 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/guardians or eligible students to review the records. Schools may charge a fee for copies.
- o Student records or other identifiable information are maintained in a secure location to ensure confidentiality. Records that are no longer required or that do not need to be maintained will be disposed of in a manner that ensures confidentiality and security.
- o Parents/Guardians 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/guardian 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/guardian or eligible student has the right to place a statement within the record setting forth her or his view about the contested information.
- o Generally, schools must have written permission from the parent/guardian or eligible student in order to allow anyone to review information from a student's education record or 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:
  - o School officials with legitimate educational interest;
  - o Other schools to which a student is transferring;
  - o Specified officials for audit or evaluation purposes;
  - o Appropriate parties in connection with financial aid to a student;
  - o Accrediting organizations;
  - o Organizations conducting certain studies for or on behalf of the school;



### WILDFLOWER NEWYORK CHARTER SCHOOL

- o Accrediting organizations;
- o To comply with a judicial order or lawfully issued subpoena;
- o Appropriate officials in cases of health and safety emergencies; and
- o 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/guardians and eligible students about directory information and allow parents/guardians and eligible students a reasonable amount of time to request that the school not disclose directory information about them. If you wish to keep your child's directory information confidential, please notify your child's Teacher Leader in writing. Schools must notify parents/guardians 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.

For additional information on FERPA and accessing education records for students, please utilize these resources: Advocates for Children's Guide to Education Records, found here: [http://www.advocatesforchildren.org/sites/default/files/library/school\\_records\\_guide.pdf?pt=1](http://www.advocatesforchildren.org/sites/default/files/library/school_records_guide.pdf?pt=1).

You may also contact the U.S. Department of Education for additional information or technical assistance by either calling (202) 260-3887 or TDD (202) 260-8956 or sending correspondence to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue. S.W., Washington, D.C. 20202-4605. Freedom Of Information Law (FOIL): WNYCS complies with the New York State Freedom of Information Law (Article 6 of the New York Public Officers Law). This means certain school records can be made available to the public upon request because WNYCS is a publicly funded school.

### **Denial of Access to Records**

- a) The school may deny requests to access records or portions thereof as contemplated by the Public Officers Law, including, but not limited to, §87(2) thereof.
- b) Any person denied access to records may appeal within 30 days of a denial.
- c) Denial of access to records shall be in writing, state the reason therefore and advise the requester of the right to appeal to the Teacher Leader. The appeal shall be addressed to:



WILDFLOWER NEWYORK CHARTER SCHOOL

Wildflower New York Charter School Charter School Charter School

1332 Fulton Avenue

Bronx, NY 10456

(718) 635-0474

- d) If requested records are not provided promptly, such failure shall also be deemed a denial of access.

-----

For additional information on FERPA and accessing education records for students, please utilize these resources: Advocates for Children's Guide to Education Records, found here: [http://www.advocatesforchildren.org/sites/default/files/library/school\\_records\\_guide.pdf?pt=1](http://www.advocatesforchildren.org/sites/default/files/library/school_records_guide.pdf?pt=1).

You may also contact the U.S. Department of Education for additional information or technical assistance by either calling (202) 260-3887 or TDD (202) 260-8956 or sending correspondence to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

#### **Appeal Process for Denial of Access to Records**

(a) The Teacher Leader shall determine appeals regarding denial of access to records under the Freedom of Information Law.

(b) Any person denied access to records may appeal within 30 days of a denial.

(c) The time for the Teacher Leader to decide an appeal shall commence upon receipt by the Teacher Leader of a written appeal identifying:

1. The date and location of requests for records;
2. A description, to the extent possible, of the records that were denied; and
3. The name and return address of the person denied access.

(d) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(e) The Teacher Leader shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:



## WILDFLOWER NEWYORK CHARTER SCHOOL

Committee on Open Government  
Department of State One Commerce Plaza  
99 Washington Avenue, Suite 650 Albany, NY 12231

(f) The Teacher Leader shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (e) of this section.

Copies of our school's FOIL Policy are available in the Teacher Leader's office. For more information about the process for requesting records please contact your child's Teacher Leader who serves as the school's Records Access Officer.

### **Procedure for Accessing Student Records**

1. A parent/guardian of a WNYCS student or an eligible student who attends WNYCS may request to review her or his child's student file or, in the case of eligible students, her or his own file. Such records will be made available to parents/guardians or eligible students within 45 calendar days of the day WNYCS receives a written request for access.

2. WNYCS may deny access to requested records or portions thereof as contemplated by the Public Officers Law, including, but not limited to, §87(2) thereof. Denial of access to records shall be in writing, state the reason therefore, and advise the requester of the right to appeal to the Teacher Leader. Such appeals shall be addressed to:

Wildflower New York Charter School Charter School  
1332 Fulton Avenue  
Bronx, NY 10456  
(718) 635-0474

3. WNYCS shall have the authority to redact portions of a paper record, and may do so prior to disclosure of the record by making a photocopy from which the proper redactions are made. Please note that WNYCS will not disclose any information from a student's permanent record except as authorized pursuant to the Federal Education Rights and Privacy Act, in response to a subpoena as required by law or as may otherwise be permitted under the law. The parents or guardians of a student who is not an eligible student are, or an eligible student is, entitled to access to the student's school records by submitting a written request to the Teacher Leader.

4. To request copies of student records for inspection, parents/guardians or eligible students must complete and submit to the Teacher Leader a Student Record Access, Review, Amendment Form. The request must identify the record(s) desired for review.

5. The Teacher Leader will review the request and determine whether to release the information to the requestor. Except as required or permitted by law, if the requestor is not a parent/guardian or eligible student, then the parent/guardian of the student whose information is being requested or eligible



### WILDFLOWER NEWYORK CHARTER SCHOOL

student whose information is being requested must also complete and submit a Consent for Release of Student Information form before any information is released.

6. If the request is approved, the Teacher Leader will then make arrangements to copy or provide access to records, and to notify the parent, guardian, eligible student or other requestor of the time and place where the records may be inspected. For records that include information on more than one student, a parent, guardian or eligible student will be limited to reviewing information pertaining only to that student.
7. Once permission is granted to review a student's file, the requestor must sign the Record of Access form in the student folder. If a student has an Individualized Education Plan (IEP), the requestor must also sign the Confidential File Access Log form in the student folder.

#### **Procedure to Amend or Appeal Student Records**

1. If a parent, guardian, or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's right to privacy, the parent, guardian, or eligible student may ask that the record be amended. Parents, guardians or eligible students must send the request for amendment in writing to the Teacher Leader using the Student Record Access, Review, Amendment form. If necessary, additional pages may be added to the form to provide additional room to explain the requested amendment. At minimum, the written request for amendment must contain the following:
  - a. Date of request amendment;
  - b. Description of the information that is claimed to be inaccurate, misleading, or in violation of the student's privacy rights;
  - c. Specific indication of the records in which the parent/guardian or eligible student believes the information is contained;
  - d. Brief explanation of the basis for the claim (i.e., why she or he believes the information is inaccurate, etc.);
  - e. The parent's, guardian's, or eligible student's proposed change(s).
2. The Teacher Leader will then review the request.
3. The Teacher Leader will review the request and make a determination within 15 school days of the school receiving the letter. The Teacher Leader will provide the parent, guardian or eligible





### WILDFLOWER NEWYORK CHARTER SCHOOL

student with a written response to the request and explain the reason for her/his decision. If an amendment is warranted, the school may decide to remove, modify, or expunge the contested information in the record. Removing, modifying, or expunging an entry shall not constitute an admission that the entry was improper or that any school employee acted improperly by including the entry in a student's record.

4. If the request is denied or no ruling is made in the allotted time, the parent, guardian or eligible student has the right to appeal the decision to WNYCS's Board of Trustees within 20 school days of the Teacher Leader's decision or failure to rule. In the case of such an appeal, the [NYS Charter Schools Act](#) gives the power to hear such complaints to the school's Board of Trustees, though the Board of Trustees may delegate that power to another party.
5. A hearing will be held within 20 school days after the parent, guardian or eligible student files the request with the Board in writing, and the parent, guardian or eligible student will be given sufficient advance notice of date, place, and time of the hearing.
6. At the hearing, the parent, guardian or eligible student will be given the opportunity to present her/his appeal to the Board or Board-appointed person or group and may be assisted or represented by individuals of her or his choice and at her or his own expense. The decision that results from this appeal process will be based solely on the evidence presented at the hearing. The decision resulting from this hearing will be final.
7. A written report containing a summary of the evidence and the reasons for the decision will be issued within 14 calendar days from the conclusion of the hearing. If necessary, the Board or Board-appointed person or group will direct the Teacher Leader to amend the records accordingly and inform the parent, guardian or eligible student of the amendment in writing.
8. If the parent, guardian or eligible student does not agree with the decision, the parent, guardian or eligible student has the right to place a written statement in the student's record commenting on the contested information or stating why she or he disagrees with the decision of the Board or Board-appointed person or group, or both.



## WILDFLOWER NEWYORK CHARTER SCHOOL

9. If, after following the above-described process and allowing a reasonable amount of time for responses from the school, its Board of Trustees, and the Board-appointed person or group, the person requesting the amendment or lodging the appeal is not satisfied with the response to their request for amendment of a student record, the person may appeal to WNYCS's authorizer. State University of New York Charter School Institute per the process described here:  
<https://www.newyorkcharters.org/wp-content/uploads/Complaints-Guidance-1.pdf>
10. If a parent, guardian or eligible student has any questions regarding the procedure for accessing student records, please contact WNYCS at (718) 635-0474.

### Consent for Release of Student Information form

Dear Parent/Guardian/Eligible Student:

The person/group noted below has requested access to education records related to your daughter/son. To protect her/his privacy and in order to comply with the requirements of the Family Education Rights and Privacy Act (FERPA), Wildflower New York Charter School Charter School (WNYCS) requires your permission to provide access to or copy the educational records listed below and provide the party named below with an appointment to review those documents or receive copies those documents. Please note that you are under no obligation to release these records to any person or group requesting access to your child's educational information. If, after reviewing the information in the request, you agree to release the documents named below from your child's records to the person or group named below, **please sign the bottom of this form and return it to WNYCS's Teacher Leader.** You may request a copy of this signed form for your records.

-----

Requestor information:

Name of Requestor: \_\_\_\_\_

Student Name: \_\_\_\_\_

Education records being requested (use the back of this form for additional space):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Purpose of the records (to be completed by the requestor):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## WILDFLOWER NEWYORK CHARTER SCHOOL

**By signing below, I consent to the release of the above-noted education records for my child to the above-noted person/group.**

\_\_\_\_\_  
Parent/Guardian/Eligible Student Name (print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian/Eligible Student Name (Signature)

\_\_\_\_\_  
Date

### Student Record Access, Review, Amendment Form

WNYCS staff member receiving  
this form:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

I am applying for:

- \_\_\_\_\_ Access to student records  
(visual inspection only, no copies)
- \_\_\_\_\_ Copies of student records
- \_\_\_\_\_ Amendment of selected student records

By submitting this request, I affirm that I understand that submission of this request is no guarantee of approval of such a request. I also affirm that I have received a copy of, and that this request is subject to, WNYCS's FERPA policy, WNYCS's Procedure for Accessing Student Records, and WNYCS's Procedure to Amend or Appeal Student Records.

To request access to or copies of student records, please provide the following information:	
Name of person requesting access, copies, or amendment of student records	
Name of student whose records are being requested	
Relationship of requestor to student	





## WILDFLOWER NEWYORK CHARTER SCHOOL

Purpose of request	
--------------------	--

-----

To request an amendment of student records, please provide the following information:	
Date of amendment request	
Identify the record to be amended	
Describe the requested amendment	

### List of Records Held by School:

- Child date and place of birth;
- Parent(s) and/or guardian addresses;
- Parent(s) and/or guardian contact information;
- Student emergency Contact information;
- Grades;
- Test/Assessment scores
- Academic Progress records;
- Special education records;
- Disciplinary records;
- Medical and health records;
- Documentation of attendance, schools attended, courses taken, awards conferred, and degrees earned;
- Personal information such as a student's identification number, social security number, picture, or other information that would make it easy to identify or locate a student.

### Records Access Officer

Mario Benabe

Email: [mbenabe@wildflowernewyorkcharterschool.org](mailto:mbenabe@wildflowernewyorkcharterschool.org)

Phone: (646) 372-3021

### Records Access Appeals Officer



## WILDFLOWER NEWYORK CHARTER SCHOOL

Justin A. Moore

Email: [jmoore@wildflowernewyorkcharterschool.org](mailto:jmoore@wildflowernewyorkcharterschool.org)

Phone: (718) 635-0474

### List of Employees, Titles, Workstations and Salaries:

#### **Mario Benabe**

Teacher Leader (Upper Elementary)

Grades: 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> Grade

Salary: \$125,000

Workstation: Main Office

#### **Aura Cely**

Teacher Leader (Lower Elementary)

Grades: Kindergarten, 1<sup>st</sup> & 2<sup>nd</sup> Grade

Salary \$125,000

Workstation: Room 301

#### **Ayeisha Seawright-Moses**

Teacher Leader (Primary)

Grades: Pre-Kindergarten

Salary \$120,000

Workstation: Room 402

#### **Shane Stephen**

Lead Teacher (Primary)

Salary \$87,550

Workstation: Room 401