

**MEMORANDUM OF AGREEMENT
BETWEEN
THE DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
AND
PUBLIC CHARTER SCHOOL BOARD
TO**

**IMPLEMENT A DATA-SHARING AGREEMENT CONSISTENT WITH THE FAMILY EDUCATIONAL RIGHTS
AND PRIVACY ACT**

I. RECITALS.

WHEREAS, OSSE is responsible for state-level functions pursuant to Sections 3(b)(11) and (15) of the State Education Office Establishment Act of 2000, as amended, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11), (15));

WHEREAS, PCSB is the only eligible chartering authority currently approved by the D.C. Council to grant a charter to a public charter school in the District of Columbia; and

WHEREAS, the District of Columbia School Reform Act of 1995, as amended (Pub. L. 104-134; 110 Stat. 1321; as codified at D.C. Official Code § 38-1802.04(c)(19), requires public charter schools and entities [local education agencies (“LEAs”)] administering public charter schools to provide necessary data pertaining to students, teachers, and schools for inclusion in the State Longitudinal Educational Data Warehouse (“SLED”) upon request of OSSE and in a standardized format established by OSSE;

WHEREAS, PCSB and OSSE seek to maintain the high quality of data collection from public charters with the least burden possible on schools, and correlatively to maximize the efficiency of the pooling and distribution of the numerous types, timings, variations, verifications, and cross-sorting of the collected data including as to demographics, funding, legal standard, and other federal and local requirements; and

Whereas the Parties enter into this Agreement for the purpose of sharing data consistent with the provisions of the Family Educational Rights and Privacy Act [Pub. L. 90-247, 80 Stat. 783 (Jan. 2, 1968), as codified at 20 U.S.C. § 20-1232g], and the U.S. Department of Education’s implementing regulations [34 C.F.R. § 99 et seq.] (hereinafter “FERPA”).

WHEREAS, pursuant to the foregoing Recitals, the Parties seek to ensure that:

- (1) OSSE shall provide a direct connection to public charter schools to submit required data to OSSE directly by technology infrastructure;
- (2) PCSB shall have access to data previously collected by PCSB that is collected from public charter school LEAs by OSSE directly; this access shall be real-time, unfiltered access to all student-specific charter school data to the extent it is captured in systems overseen by the state;

- (3) PCSB and LEAs shall have access to OSSE's data collection technology infrastructure in a sustained working order, including access to readily available repair resource; given the mission-critical nature of the data to PCSB, OSSE shall ensure that the data transfer system between OSSE and PCSB and OSSE and the LEAs are working and, in the event that any part of the system fails, OSSE will endeavor to correct the issue within two (2) business days. If it cannot correct the issue, OSSE will provide the missing data to PCSB via manual download within three business days of detecting the failure and will continue to provide it manually until the issue is fixed.
- (4) PCSB and OSSE shall mutually and reciprocally provide training and reminders that the public charter schools / LEAs remain subject to PCSB data collection policies even if schools elect that OSSE becomes the agent of the collection of data that will serve both agencies;
- (5) PCSB shall offer support to OSSE in completing data collections from public charter schools/LEAs;
- (6) OSSE shall provide technical assistance as required to complete the data collection processes;
- (7) PCSB and OSSE shall consult to provide special response and mutual assistance in the event of a request for data clarification from an agency of the federal government, the District of Columbia Council, a judicial body, or law enforcement agency.
- (8) The Parties acknowledge that OSSE in its role as the SEA for the District of Columbia and PCSB in its role as a charter school authorizer are equally responsible for protecting the confidentiality of personally-identifiable information in educational records and for ensuring that disclosure of such personally-identifiable information complies with all applicable laws. Each party agrees to comply with its respective FERPA policy. OSSE's FERPA policy is found in Section B of its *Policy for Access and Use of Educational Data*, issued June 1, 2013; the entire policy is attached to this agreement as Exhibit A. PCSB's policy entitled Disclosure of Student Records under the Family Educational Rights and Privacy Act ("FERPA"), as amended on February 19, 2014, is attached to this agreement as Exhibit B.
- (9) The Parties agree that the terms in this Agreement will have the definitions ascribed to them in FERPA.

NOW, THEREFORE, in consideration of the promises and mutual covenants set forth herein, the Parties agree as follows:

- II. **DEFINITIONS.** Unless otherwise defined in this Agreement, all terms shall have the meaning ascribed to such terms by D.C. Official Code § 38-201 and 5-A DCMR § 2199.
- III. **RESPONSIBILITIES OF THE PARTIES.** Pursuant to the applicable authorities and in the furtherance of the shared goals of the Parties to carry out the purposes of this MOA expeditiously and economically, the Parties do hereby agree:

A. RESPONSIBILITIES OF PCSB. PCSB shall:

1. PCSB will use data disclosed to oversee public charter schools pursuant to this Agreement in a manner that will preserve the confidentiality of identifying student information, including confidential parent information.
2. PCSB will treat all data in a manner consistent with PCSB's FERPA policy.
3. PCSB will enforce its data submission policies (attached as Exhibit C) when schools submit incomplete data to OSSE's system.
4. PCSB will support OSSE and charter LEAs in the deployment of automated data collection technologies to collect the data described above. To this end, PCSB agrees to eliminate requesting data from charter LEAs that are collected by OSSE and shared with PCSB once the quality and consistency of the collection method and data exchange occurs for 100% of the public charter school students and has been demonstrated to work error-free and PCSB and OSSE and the charter LEAs consent to a change in data collection method.
5. PCSB will support OSSE in making historical data available to users of OSSE's systems with charter LEA consent. This support will include, but not necessarily be limited to, sharing historical enrollment, demographic, attendance, and discipline data from PCSB's data systems.
6. PCSB will use the data for the full range of its authorizing activities, including, without limitation,
 - a. to enforce its attendance, discipline, and special education trigger policies (attached as Exhibits D through F), along with any other policies developed by PCSB for oversight work;
 - b. to submit the October 5th Enrollment Count to the Office of the Chief Financial Officer ("OCFO"), as required by D.C. Official Code § 38-308; and
 - c. to produce and publish internal or external reports at its discretion.
7. Without in any way limiting PCSB's authority to adopt policies consistent with the law, PCSB will consult with OSSE when developing new data policies for the sole purpose of ensuring that PCSB can implement the policy using OSSE's data system and that OSSE's data system can support the needed data. Policies that are passed by the Board and go beyond federal and state requirements will not become state policies.
8. PCSB will provide OSSE with additional student-specific data not captured in an OSSE data system but captured through other methods, including ad hoc collections within thirty (30) days upon request and subject to charter LEA approval.
9. PCSB will continue to implement and enforce its policies concerning timeliness and accuracy of LEA data submission.

B. RESPONSIBILITIES OF OSSE. OSSE shall:

1. Provide PCSB with full, unmitigated, unfiltered, real-time access to all public charter school student-specific data collected in SLED, Special Education Data System (hereinafter "SEDS"), Corrective Action Tracking System (hereinafter "CATS") to the extent allowable by OSSE-Division of Specialized Education in coordination with PCSB, and any other data system or database used by OSSE to collect information on public charter school students via ADT or other automated secure data transfer method;
2. Shall make public charter school student-specific data available to PCSB through a secure SQL server connection, either directly to OSSE's databases or data systems, or to a mirror of these that is updated at least daily;
3. Will actively seek PCSB's consultation and other educational stakeholders before making changes to existing business rules;
4. Send a copy of the truancy resource guide developed by OSSE to the parent(s) of a school-age child that is enrolled in a public charter school within two (2) business days of receipt of notice from PCSB or from the public charter school that the student has accumulated ten (10) unexcused absences, unless the parent has already received the truancy resource guide;
5. Promptly notify PCSB of any incidents of non-compliance by a public charter school with the requirements noted;
6. Work with PCSB to build customized reporting tools in the state data systems, allowing PCSB to customize filters to export real-time, student-specific data into a useable file format (such as Excel or CSV);
7. In collaboration with PCSB, OSSE will make historical data available to users of OSSE's systems.
8. OSSE will be responsible for ensuring that the data feed is working and for providing complete and accurate data to PCSB. OSSE will endeavor to address OSSE and OSSE contractor technical issues within two (2) business days of being notified of the issue. If the problem persists for more than three (3) business days, OSSE will provide PCSB with the data through an external file.
9. Notify PCSB of any scheduled maintenance work at least fifteen (15) calendar days in advance, and, for unscheduled emergency maintenance or outages, notice shall be given to PCSB as soon as practicable;
10. Provide PCSB with additional student-specific data not captured in an OSSE data system but captured through other methods, including ad hoc collections and federal reporting within thirty (30) days upon request.
11. Provide charter LEAs technical assistance to ensure that they are able to use the systems and submit accurate and complete data as per PCSB's data policies

(Attached as Exhibit C). OSSE will be responsible for notifying the school and resolving the issue in a timely manner.

12. Endeavor to ensure that data captured directly from each charter LEA is accurate and complete in accordance to PCSB's and OSSE's data submission policies (Attached as Exhibit C).

13. OSSE will provide same-day technical assistance to schools having trouble entering data into their systems. Schools unable to enter data for three (3) business days or more will be asked to submit files to OSSE and to PCSB.

14. OSSE will use its best efforts to facilitate PCSB's enforcement of its policies concerning LEA data submission timeliness and accuracy.

IV. **DURATION OF MOA.** This MOA shall be effective as of the date on which both Parties' representatives have executed the Agreement and shall continue until terminated by either Party.

V. **AUTHORITY FOR AGREEMENT.** The Parties are authorized to enter into this MOA pursuant to D.C. Official Code § 1-301.01(k). This Agreement is further subject to the provisions of FERPA.

VI. **FUNDING PROVISIONS.** There shall be no cost for the activities described in this MOA.

VII. **CONFIDENTIAL INFORMATION.** The Parties to this MOA will use, restrict, safeguard and dispose of all information related to services provided by this MOA, in accordance with all relevant federal and local statutes, regulations, policies. Pursuant to FERPA, OSSE, as the State Education Agency (SEA) for the District of Columbia, and PCSB, as the authorizer for all DC charter schools, are authorized to receive educational records containing personally-identifiable information about students and parents.

VIII. **FERPA.** The Parties agree that the confidential data to be shared by and with each party is needed for compliance with Federal requirements related to state-supported educational programs. Both Parties understand that this Agreement does not convey ownership of student data to either entity. Further, the Parties agree:

1. That each party is designated the authorized representative of the other party solely for the purposes of sharing the data discussed above.

2. Only use the data each party may share with the other party, including students' personally identifiable information, for legitimate educational purposes.

3. Use reasonable methods to protect the data either party may share pursuant to this Agreement, including students' personally identifiable information, from re-disclosure, and to not share this data with any other entity without prior written approval from the party who provided the data except as permitted under FERPA.

4. Ensure that their policies and procedures protect the data the Parties may share, including students' personally identifiable information, from further disclosure or unauthorized use.

5. Require and maintain a confidentiality agreement with each employee, contractor or agent with access to data pursuant to this Agreement. The agreement will require all employees, contractors and agents of any kind to comply with all applicable provisions of FERPA and other federal laws with respect to the data shared under this Agreement.

6. Protect and maintain all student data obtained or permitted access to pursuant to this Agreement in a secure computer environment and not copy, reproduce or transmit data obtained or permitted access to pursuant to this Agreement, except as necessary for compliance with Federal and/or state requirements related to state supported educational programs.

7. Not to provide any student data obtained or permitted access to under this Agreement to any party ineligible to receive data protected by FERPA or prohibited from receiving data from any entity under 34 C.F.R. § 99.31(a)(6)(iii).

8. Both Parties shall destroy all data received from the other party pursuant to this Agreement in compliance with the D.C. Nothing in this agreement shall be construed to require PCSB or OSSE to destroy duplicative data or records that they have legitimately received from a source other than PCSB. Nothing in this Agreement may be construed to allow either party to maintain, use, disclose or share student information in a manner not allowed by federal law or regulation.

In the event of a breach of this Agreement in the form of a disclosure of data that is not otherwise permissible pursuant to this Agreement, the Parties shall notify each other of the breach within two (2) business days of the date on which PCSB or OSSE, becomes aware of the breach pursuant to Section X, below. Both Parties may take any actions authorized it by law to mitigate and/or remediate the breach, including, without limitation, termination of this Agreement and exclusion of either party to the other party's data.

IX. **TERMINATION.** Either Party may terminate this MOA by giving thirty (30) calendar days advance written notice to the other Party. In the case of a notification of termination of this agreement, OSSE and PCSB shall make arrangements to provide PCSB with continued access to such essential historical data within the terms of this agreement as the parties may define.

X. **NOTICE.** The following individuals are the contact points for each Party under this MOA:

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION:

Jesús Aguirre
State Superintendent of Education
810 First Street, NE, 9th Floor
Washington, DC 20002
Phone 202-727-3471

PUBLIC CHARTER SCHOOL BOARD:

Scott Pearson
Executive Director

D.C. Public Charter School Board
3333 14th Street NW, Suite 210
Washington, DC 20010
Phone 202-727-3471
Fax 202-328-2661

XI. MODIFICATIONS.

- A. The terms and conditions of this MOA may be modified only upon prior written agreement by the Parties.
- B. The Parties agree to provide reasonable prior written reciprocal notification of proposed changes to the policies attached to this MOA.
- C. Absent written comments exchanged between the Parties expressing objection to the proposed changes in policies attached to this MOA, such changes do not modify the terms and conditions of this MOA and are hereby incorporated by reference.

XII. MISCELLANEOUS. The Parties shall comply with all applicable laws, rules and regulations whether now in force or hereafter enacted or promulgated.

IN WITNESS WHEREOF, the Parties hereto have executed this MOA as follows:

PUBLIC CHARTER SCHOOL BOARD

Scott Pearson
Executive Director

Date: 6/10/14

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

Jesus Aguilar
State Superintendent of Education

Date: 6/24/14

EXHIBIT A



Office of the State Superintendent of Education

OSSE POLICY

Date Issued: 06/01/2013

POLICY FOR ACCESS AND USE OF EDUCATIONAL DATA

A. POLICY STATEMENT

OSSE is committed to ensuring the privacy and protection of student information while also facilitating access and use of raw and statistical educational data for permissible purposes in compliance with federal and District law. The purpose of this policy is to establish parameters for external access and use of educational data collected by the Office of the State Superintendent of Education (OSSE).

B. APPLICABILITY OF PRIVACY AND DISCLOSURE LAWS

This policy addresses the following laws:

1. Family Education Rights and Privacy Act (FERPA)
2. Health Insurance Portability and Accountability Act (HIPAA)
3. Individuals with Disabilities Education Act (IDEA)
4. Child Nutrition Act of 1966
5. Freedom of Information Act (FOIA)

1. *Family Education Rights and Privacy Act (FERPA)*

The Family Education Rights and Privacy Act¹ (FERPA), and its implementing regulations,² give parents and eligible³ students the right to access and challenge the education records of their children, and also protect student information from unwarranted disclosure to third parties. FERPA applies to educational agencies and institutions, which include any elementary, secondary, or postsecondary school that receives U.S. Department of Education funding; or any entity that is authorized to direct and control elementary, secondary, or postsecondary institutions. FERPA also affirmatively applies to a State educational agency.⁴ For the purposes of FERPA, “education records” are files, documents, or other materials **containing information directly relating to a student.**⁵ This policy complies with FERPA in that it employs reasonable methods to both facilitate parental access

¹ Pub. L. 90-247, 80 Stat. 783 (Jan. 2, 1968), as codified at 20 U.S.C. § 20-1232g.

² 34 C.F.R. § 99 *et seq.* (2011).

³ From ages 0-18, the parent(s) possess the right to access their child(ren)’s educational records. When the child turns 18 or begins attending a postsecondary institution, s/he becomes an “eligible student” and the right to access and review the student’s educational records transfers from the parent(s) to the now-adult student.

⁴ In its final rulemaking adopting changes to FERPA, the U.S. Department of Education stated that an SEA is neither an educational institution, nor an educational agency, since both definitions require student enrollment. 76 Fed. Reg. 75604 (Dec. 2, 2011).

⁵ FERPA specifically excludes the following records from the definition of educational records: personal notes of teachers, principals, and administrative school staff; law enforcement records; a educational agency’s personnel records, and; postsecondary medical treatment records of adult students.

to student education records and to protect those records from unauthorized release to parties other than parents.

The first aspect of FERPA is the parental right to access and review of educational records related to their child(ren). To comply with these provisions of FERPA, OSSE must, upon receipt of a request from a parent for his/her child's education records, provide the requested records within 45 days of the date the request was made. However, the right of a parent or eligible student to challenge the contents of educational records only applies to records of schools and LEAs. This right does not extend to records held by an SEA or by third party entities working on behalf of an educational agency, institution, or SEA. Instead, such challenges are handled by D.C. Public Schools for public schools.⁶

The second aspect of FERPA governs disclosure of educational records. The key consideration for FERPA is not the record itself, but whether the record contains **personally-identifiable information** (PII) about a student. PII includes, but is not limited to the student's name, parents' names, address, Social Security number, unique student identifier, or indirect identifiers (such as date/place of birth and mother's maiden name).⁷ FERPA's general rule is that PII may not be disclosed to a third party without the prior written consent of the parent or eligible student. The essential elements of this rule are, therefore, the nature of the data (that it contains PII) and the source of the request (that it is a third party; the first two parties being the school from which the data was received and OSSE). Any disclosure that does not contain PII, does not invoke FERPA.

Where the disclosure is of PII and is to a third party, OSSE must first obtain the written consent of the parent or eligible student, unless the particular disclosure has been exempted from FERPA's consent requirements. OSSE, as the SEA, does not generate or create any of the data on the State Longitudinal Education Data System (SLED). Instead, OSSE collects the data from schools and LEAs. As a result, OSSE is subject to the "re-disclosure" provisions of FERPA. Re-disclosure of data by an SEA is a two-prong test.⁸ First, the disclosure must fall under one of the FERPA exceptions listed below. Second, the SEA must maintain a list of all re-disclosures. The list must record, at a minimum, the name of the party to whom the records were disclosed and the FERPA exception applicable to the re-disclosure. In addition, the educational agency or institution may request the records of re-disclosures of information that the SEA collected from that educational agency or institution. The SEA must provide the record within 30 days of receiving the request.

FERPA Exceptions to General Non-Disclosure Rule:

- a) **Parents/Eligible Students**—From ages 0-18, the parent(s) of a student have the right to request their child(ren)'s educational records. After the age of 18, the student becomes an "eligible" student and the right to access and review the student's educational records transfers from the parent(s) to the now-adult student. Although technically considered a "disclosure," an educational agency or institution may disclose, and OSSE may re-disclose, PII to the parent of the student or to the eligible student about whom the PII refers. In

⁶ 5E D.C. Mun. Reg. § 2602 et seq., 24 D.C. Reg. 1005, 1059 (Jul. 29, 1977), as amended.

⁷ INSTITUTE OF EDUCATION SCIENCES, NATIONAL CENTER FOR EDUCATION STATISTICS, SLDS Technical Brief No. 1, *Basic Concepts and Definitions for Privacy and Confidentiality in Student Education Records* (Nov. 2010).

⁸ 34 C.F.R. § 99.33(b) (2012).

addition, a parent or eligible student may designate some other party to receive the PII requested.

- b) **FERPA-permissible Entities**—FERPA identifies certain government entities by name. These entities, and their authorized representatives, are permitted to receive PII: U.S. Comptroller General, U.S. Attorney General (for law enforcement purposes), Secretary of the U.S. Department of Education, State educational agencies, and Local educational agencies.
- c) **School Officials**—An educational agency or institution may release PII to its own employees, contractors, consultants, and volunteers, if the school determines that the recipient of the PII has a legitimate educational interest. It may also disclose PII about its current and former students to any other educational agency or institution that either provides educational services to the student or to which the student has sought to enroll. However, the school must make reasonable attempts to notice the parents about the record request.

Applying this exception to an OSSE re-disclosure, there are two possible scenarios: i) re-disclosure is to school that provided the data to OSSE, or (ii) re-disclosure is to a different school than the school that provided the data to OSSE. If the same school that provided the data requests its own data, OSSE is permitted to re-disclose the data to the school's approved officials, which are school administrators and teachers. However, only the school itself can decide whether other employees, contractors, consultants, or volunteers have legitimate educational interests. OSSE would, therefore, direct school-based requestors who are not administrators or teachers to request data from their school. If the request comes from a different school than the one that provided the data, OSSE may re-disclose PII about a student only if the requesting school actually provides services to the student, or if the student is seeking enrollment in that other school. OSSE will not provide student PII to a school that has no connection to that student.

- d) **Directory Information**— An educational agency or institution may disclose directory information to an entity without obtaining the prior written consent of the parent or eligible student after the school has complied with the procedural requirements for this exception. Each school must affirmatively select data elements to include in its directory, provide public notice to parents of its student body about the directory elements, and allow parents to opt-out.

The following types of data may be designated by a particular school as ***directory information***: name; student ID number; address; telephone number; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially-recognized activities and sports; weight and height of members of athletic teams; degrees and awards received, and; most recent educational agency attended. In addition to selecting which of the above elements will be included in a school's directory, the school's public notice must provide parents with a set period of time and a specific process for opting out of all or part of the directory. This means that parents may request that their child's information not be included in the directory at all, or that only certain pieces of information, such as address and phone number, not be included in the directory for their child.

Applying this exception to an OSSE re-disclosure, SLED does not currently track which data elements each school has established as “directory,” nor whether students have opted-out. As a result, any re-disclosure of directory information by OSSE would not meet the requirements of FERPA. Requesters asking for directory information should, therefore, be directed to the school.

- e) **Audit/Evaluation/Enforcement/Compliance**—This is one of the few FERPA exceptions that apply directly to an SEA. FERPA permits an SEA to designate any entity as its authorized representative to carry out audit, evaluation, enforcement, or compliance activities on any Federal- or state-supported program, or to carry out enforcement or compliance activities related to the Federal requirements for any of those programs. Prior to disclosure, OSSE must first enter into a written agreement with any such designated authorized representative. The agreement must include, at a minimum, the entity being designated as an authorized representative, PII being disclosed, audit/evaluation/enforcement/compliance activity, how the PII will be used, requirement that PII be destroyed after activity concluded, and requirement that further re-disclosures comply with the re-disclosure provision of FERPA.
- f) **Educational Researchers**— This is one of the few FERPA exceptions that applies directly to an SEA. FERPA permits an SEA to re-disclose PII to organizations conducting studies for or on behalf of an educational agency or institution for the purpose of developing, validating, or administering predictive tests; administering student aid programs, or; improving instruction. Organizations conducting educational studies and research may be government agencies or private entities. Prior to disclosure, OSSE must first enter into a written agreement with any such educational researcher. The agreement must include, at a minimum, purpose, scope, and duration of study; data being disclosed; requirement that PII be used only to further the study; requirement that PII not be re-disclosed; requirement that PII be destroyed after concluding the study. It is not necessary for the purposes of this exception that any school, LEA, or SEA initiate or agree with the study.
- g) **Accrediting Organizations**—An educational agency or institution may disclose, and OSSE may re-disclose, PII to an accrediting organization to carry out accrediting functions.
- h) **Student Aid**—An educational agency or institution may disclose, and OSSE may re-disclose, PII in connection with a student’s application for financial aid, or in connection with a student who already receives financial if the PII is necessary to determine eligibility, amount, or conditions of that student’s existing financial aid.
- i) **Emergency**—In the event of a health or safety emergency, an educational agency or institution may disclose PII in connection with an emergency if knowledge of the PII is necessary to protect the health or safety of the student or other individuals. Applying this exception to an OSSE re-disclosure, OSSE may re-disclose PII in connection with an emergency if knowledge of the PII is necessary to protect the health or safety of the student or other individuals. This will primarily arise in the context of transportation, since transportation is the only direct service that OSSE employees provide to students. Transportation employees should follow the policies and procedures implemented for that OSSE Division. Any other OSSE employees who receives a request for data due to an emergency should contact their Assistant Superintendent, the OSSE Director of Operations,

Chief of Staff, the General Counsel, or the Superintendent. Under no circumstances is an employee authorized to release PII on an emergency basis without the approval of a member of the Executive Team.

- j) **Juvenile Justice**—An educational agency or institution may disclose PII about a student to the juvenile justice system to assist that system's serving the student, if a State law was enacted before November 19, 1974, that permits such disclosure. The District of Columbia's juvenile justice law was enacted on December 23, 1963.⁹ The juvenile justice authorities must certify in writing that the records will not be re-disclosed except as permitted by the State law. While OSSE is authorized to re-disclose PII to juvenile justice officials under federal law, under District of Columbia law, it is the LEA that is responsible for making referrals to the Family Division and providing the necessary educational records.¹⁰ As a result, any requests for educational records received from a juvenile justice official should be referred by OSSE to the appropriate LEA.
- k) **Child Welfare Agency**—On January 14, 2013, Congress enacted the Uninterrupted Scholars Act¹¹ to amend FERPA and facilitate the disclosure of educational records to child welfare agencies. Federal law requires child welfare agencies to ensure that children in their care are enrolled in school and that their school placements are as stable as possible. To fully comply, child welfare agencies must have access to educational records. The January 2013 amendments permit OSSE to provide educational records containing PII without first obtaining parent/student consent to a child welfare agency caseworker or other representative who has the right to access a student's case plan, when such child welfare agency is legally responsible, in accordance with State law, for the care and protection of the student.¹²

The child welfare agency is further prohibited from re-disclosing PII that it receives pursuant to this new exception. Re-disclosure of PII may only be made to an individual or entity engaged in addressing the student's education needs and is authorized by the child welfare agency to receive such disclosure, consistent with local law.

Pursuant to District of Columbia law, the Child and Family Services Agency (CFSA) and/or the Department of Youth Rehabilitation Services (DYRS) become legally responsible for the care and protection of a child or youth upon issuance of a disposition by the Family Division of the D.C. superior court transferring legal custody of a neglected child to CFSA or a child in need of supervision to DYRS.¹³

Applying this exception to an OSSE re-disclosure, OSSE may re-disclose educational records to a representative of CFSA or DYRS that is authorized by that agency to access the child or youth's welfare case. CFSA and DYRS may re-disclose these records to their own contractors who provide educational services to children and youth committed to their care.

⁹ Pub. L. 88-241, 77 Stat. 588 (Dec. 23, 1963).

¹⁰ D.C. Mun. Reg. tit. 5A §§ 2103.5, 2103.6 (2009).

¹¹ Pub. L. 112-278, 126 Stat. 2480 (Jan. 14, 2013).

¹² 20 U.S.C. § 1232g(b)(1)(L).

¹³ D.C. Code § 16-2320.

- l) **Litigation**—When an educational agency or institution initiates legal action against a parent, the educational agency or institution may disclose any relevant educational records (including those containing PII) to the court without a subpoena or court order. In addition, when a parent or eligible student initiates legal action against an educational agency or institution, the educational agency may disclose any relevant educational records (including those containing PII) to the court without a subpoena or court order.¹⁴

Applying this exception to an OSSE re-disclosure, OSSE may re-disclose to the court any relevant education records within the context of a lawsuit filed by OSSE against a parent or filed against OSSE by a parent or eligible student. In any legal action where the opposing party is not a parent or eligible student, however, OSSE would not be permitted to disclose PII under this exception. In those cases, a subpoena/court order or written prior consent of the parent/ eligible student is required (see “Subpoena/Court Order” below). All decisions regarding litigation must be made by the Office of the General Counsel.

- m) **Subpoena/Court Order**—An educational agency or institution may disclose, and OSSE may re-disclose, PII subject to a court order, a lawfully-issued subpoena, or an ex parte court order obtained by the United States Attorney General or his/her designee in the context of a terrorism prosecution. Prior to responding to the subpoena, OSSE must first determine: 1) whether the parent or student whose PII is ordered by the court to be disclosed is a party to the case; and 2) whether the court/order subpoena limits notice of the disclosure. If the student/parent whose PII is ordered by the subpoena/court order to be disclosed is not a party to the case, then OSSE has the obligation to first make reasonable efforts to notify the parent or eligible student prior to disclosure. This permits the parent or eligible student the opportunity to file a protective order against the disclosure. If the parent or eligible student is a party to the case, the amendments made by the Uninterrupted Scholars Act in January of 2013 no longer obligate OSSE to notify the parent or eligible student prior to disclosing the records pursuant to the subpoena/court order. OSSE will not provide any notice to the parent or eligible student where the subpoena or court order limits such notice on its face.

In addition, when applying this exception to an OSSE re-disclosure, the OSSE General Counsel should be consulted.

- n) **Post-Secondary Disciplinary Proceedings**—Neither of the following exceptions are applicable to OSSE
- i. **Violent/Sex Crimes**—When a student attending a post-secondary institution is accused of committing a violent crime or a non-forcible sex crime, the post-secondary institution may disclose the results of those disciplinary proceedings to the crime victim, regardless of whether or not the student was found to have committed the crime. This exception is not applicable to OSSE.
 - ii. **Drug/Alcohol Crimes**—When a student attending a post-secondary institution is accused of violating any laws or school regulations regarding the use or possession of drugs or alcohol, the post-secondary institution may disclose the results of those disciplinary proceedings to the parent of the student who is under the age of 21.

¹⁴ 34 C.F.R. § 99.31(a)(9)(iii) (2012).

- o) **Sex Offender Registry**—An educational agency or institution may disclose, and OSSE may re-disclose, any PII necessary to comply with applicable sex offender registry laws.

Any record maintained by OSSE that contains PII and does not meet one of the above exceptions, **will not** be disclosed without the prior written consent of the parent or eligible student. An entity (including an SEA) that is found by the Secretary to have improperly re-disclosed data received originally from an educational agency or institution is required to be banned by that agency or institution from accessing their educational records for five years. In addition, a finding that OSSE has failed to comply with FERPA could jeopardize its federal funding.

OSSE employs reasonable methods to ensure that its employees understand and comply with FERPA's confidentiality and disclosure requirements. Upon hiring, OSSE employees are required to read and sign a non-disclosure agreement. During the employee's tenure with OSSE, the employee is notified of his/her responsibilities to keep educational data private when logging on to SLED. Finally, when an OSSE employee ends his/her employment with OSSE, an automated system sends a notice from the OSSE Human Resources Division to the OSSE Data Division to promptly sever the employee's access to SLED and OSSE's servers.

2. Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act of 1996¹⁵ (HIPAA), and its implementing regulations,¹⁶ protect the health insurance coverage of workers when they transition jobs, seeks to reduce waste and fraud by simplifying the exchange of health information, and protects the privacy of health information.

The HIPAA Privacy Rule implemented by the U.S. Department of Health and Human Services applies to covered entities...health care providers, health care clearinghouses, and health plans.¹⁷ OSSE does not provide or pay for the cost of medical services, or process nonstandard health information into standard format within the terms of HIPAA, and it is not a covered entity for HIPAA purposes.

In addition, the definition of the term "protected health information" in HIPAA's Privacy Rule explicitly excludes any information that would also meet the definition of an "education record" pursuant to the Family Educational Rights and Privacy Act (FERPA), which is discussed above. Medical information contained within OSSE's special education and health/wellness records fall within the definition of educational records under FERPA, and are therefore not subject to the requirements of HIPAA.

3. Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act¹⁸ (IDEA), and its implementing regulations,¹⁹ require that States implement policies and procedures that comply with IDEA confidentiality requirements, which are found in sections 300.610 through 300.626 of Title 34 of the Code of Federal Regulations (C.F.R.). IDEA's regulations reference the definition used by FERPA for education records, except

¹⁵ Pub. L. 104-191, 110 Stat. 2021 (Aug. 21, 1996), as codified at 42 U.S.C. § 1320d *et seq.*

¹⁶ 45 C.F.R. §§ 160, 164 (2010).

¹⁷ 45 C.F.R. part 160; 45 C.F.R. part 164(A) & (E).

¹⁸ Pub. L. 108-446, 118 Stat. 2647 (Dec. 3, 2004), as codified at 20 U.S.C. § 1400 *et seq.*

¹⁹ 34 C.F.R. § 300 *et seq.* (2010).

that IDEA's confidentiality provisions apply only to those education records that are maintained for the purpose of implementing IDEA. FERPA covers recipients of federal funds under any U.S. Department of Education program. As a result, where IDEA has requirements that are additional to FERPA, those requirements apply only to special education data. This means that basic information collected regarding students with disabilities, such as name, address, etc., which are not specifically collected for IDEA purposes, but for general education purposes, are governed by FERPA. Information, such as medical records, Individualized Education Programs (IEP), etc. that are required only because of the child is IDEA-eligible, are governed by IDEA's confidentiality provisions.

IDEA requires SEAs to give a parent notice of its responsibilities under IDEA, including the kinds of information maintained, the SEA's data policies, and the parent's rights under IDEA and FERPA. One such right is the parent's right to review and challenge the records maintained about his/her child. When OSSE receives such an information request from a parent, the requested data must be provided within 45 days or prior to any IEP meeting or hearing, whichever occurs first. OSSE must also keep a record of all requests for access to a child's special education records. As with such requests made under FERPA, challenges to the content of a student's records must be made at the school/LEA level, rather than at the SEA level, since these records are created by the school/LEA and are merely maintained by OSSE.²⁰

IDEA's general rule on disclosure is that *personally-identifiable information* (PII) within education records may not be disclosed without the prior written consent, as defined by FERPA, of the parent or adult child. There are some limited exceptions to this general prohibition on disclosure, which permit OSSE to disclose student records WITHOUT the written consent of the parent or adult student. First, disclosure is permitted to IDEA-participating agencies without parental consent. Participating agencies are agencies or institutions that collect, maintain, or use PII, or from which PII is obtained. However, even this exception has some limitations. Where the disclosure of PII is for transition purposes, either to a postsecondary institution or to a private institution outside of the LEA, parental consent is still required. Second, where all PII has been removed from the records, parental consent is not required prior to disclosure.

In addition to the confidentiality requirements, IDEA imposes procedural requirements above and beyond FERPA for special education records, as follows:

- a) One official at each agency with PII must be responsible for ensuring the confidentiality of such information;
- b) All employees of an agency that collects or uses PII must receive training on the confidentiality requirements of IDEA and FERPA; and
- c) Each agency must maintain and allow public inspection of a list of current employees who may have access to personally-identifiable information.

Finally, unlike general education records maintained pursuant to FERPA, special education records must be destroyed upon request of the parents when the records are no longer needed for the purpose of providing educational services to the child.

²⁰ D.C. Mun. Reg. tit. 5E § 3021 et seq., 30 D.C. Reg. 2972, 2981 (Jun. 17, 1983), as amended.

4. *Child Nutrition Act of 1966*

The Child Nutrition Act of 1966,²¹ and its implementing regulations,²² created the National School Lunch Program, which provides free and reduced price meals to students. Information obtained from an application for a free or reduced price meal may be disclosed only to entities that:

- a) Administer the school lunch program (OSSE)
- b) Administer or enforce a Federal education program (OSSE, LEAs, PCSB, Schools)
- c) Administer or enforce a State health or education program administered by the SEA or an LEA, not including Medicaid or S-CHIP (limited to income eligibility information) (OSSE, LEA)
- d) Administer Medicaid and S-CHIP, if the data is for identifying and verifying a child's eligibility under Medicaid or S-CHIP (limited to income eligibility information) (DC Department of Human Services, DC Department of Health Care Finance)
- e) Administers a comparable means-tested nutrition program (limited to income eligibility information)
- f) U.S. Comptroller General
- g) Law enforcement related to the school lunch program (OSSE, OAG)

5. *Freedom of Information Act (FOIA)*

The DC Freedom of Information Act (FOIA) is a statute that is designed to facilitate public access to full and complete information regarding governmental affairs.²³ Unless the records are specifically exempted by the FOIA statute, a person has the right to inspect public records subject to FOIA procedures.²⁴ This OSSE *Policy for Data Access and Use* is **not intended to govern OSSE's responses to FOIA requests from the public**. Rather, this policy is a representation of the agency's intent to affirmatively provide limited types of educational data to specific classes of requestors without requiring the requester to exercise their rights under FOIA. This means that when a FOIA request is received, the responding OSSE employee should not refer to this policy, but should instead refer to the DC FOIA statute and any OSSE FOIA policies and procedures.

On the other hand, if a data request is submitted pursuant to this policy, and the request does not meet the requirements of this policy, the requester should be informed of their right to file a FOIA request in the alternative. For example, if the requester is not a parent, researcher, or other approved requestor under this policy, such as a news reporter or an advocacy organization, the request must be made pursuant to FOIA, not this policy. A data request made pursuant to this policy may also be distinguished from a FOIA request by the nature of the information sought. For example, a request for OSSE personnel and employment records would not fall under this policy, which covers only educational data. As a result, such a request would have to be made under FOIA.

Student-level data will not be provided pursuant to FOIA as it is an unwarranted invasion of personal privacy. As a result, the only process by which a requester may access student-level data is pursuant to this policy.

²¹ Pub. L. 89-642, 80 Stat. 885 (Oct. 11, 1966), as amended, as codified at 42 U.S.C. § 1758(b)(6) (2011).

²² 7 C.F.R. § 210 *et seq* (2012).

²³ D.C. Code § 2-531 (2001).

²⁴ D.C. Code § 2-532(a) (2006 Supp.).

C. DATA ELEMENTS

Within OSSE's databases currently in use or under construction and/or consideration, OSSE collects and maintains the following types of data:

- Enrollment
- Attendance/Compulsory Education
- Assessment
- Student Information
- Demographics
- Teacher qualifications
- Special Education eligibility, assessment & compliance
- Course Codes and grades
- Eligibility for specialized services
- Other program-specific data²⁵

Data is verified for accuracy, completeness, and age by OSSE staff at the time that it is received from the Local Education Agency (LEA) or school. In addition to a manual verification of the data, the system employs checks and balances to ensure that submitted data conforms to the parameters for that kind of data. Data that does not conform to the requirements for a particular field is rejected and returned to the LEA or school for re-submission.

Sensitivity of data is determined based on whether or not the data is LEA-level, school-level or student-level data. Student-level data identifies a particular student and his/her academic achievement. As a result, student-level data implicates direct privacy concerns and is defined as sensitive data. With limited exception, student-level data is not available to the public without written consent of the parent. LEA-level and school-level data, on the other hand, is deemed not sensitive as it does not implicate any individual privacy concerns. However, where release of LEA-level and school-level data would identify student-level data, the data would be deemed sensitive only to the extent that it identifies a particular student's information. Any portions of LEA-level and school-level data that identify student-level data will be treated as sensitive and may not, with limited exception, be disclosed without written consent of the parent of the identified student.

D. ACCESS TO ANALYSIS OF DATA

This policy is intended to address disclosure of raw data. In addition to collection of raw data, OSSE is required to analyze educational data for the purposes of oversight and administration of educational programs. During the deliberative process, any analysis performed by OSSE and its contractors and/or authorized representatives pursuant to federal or state law will be considered **embargoed** and will be not publicly-disclosed pursuant to this policy unless the decision-making and/or investigatory processes for which that analysis is used has been fully completed and approved for dissemination and/or publication. Embargoed data may be disclosed on a limited basis for the purpose of review by entities specified by law, such as school administrators and LEAs. However, embargoed data will not be disclosed to any other entity, including but not limited to, researchers, parents, press, and/or the general public, until the conclusion of the deliberative or investigatory processes. Consistent with applicable laws and upon completion of the processes described above, embargoed data may be reclassified and released to the public as appropriate.

²⁵ Please refer to OSSE's *Data Handbook and Guidelines* document for a complete and technical list of data elements.

E. WHO MAY ACCESS DATA

Pursuant to the policy, OSSE will disclose data to the following types of requesters without requiring a FOIA request:

- OSSE employees & contractors
- OSSE authorized representatives
- DC schools
- DC LEAs
- Public Charter School Board (PCSB)
- Other school districts
- Parents/eligible students
- Educational researchers
- DC Council
- Mayor/Executive Office of the Mayor (EOM)
- Deputy Mayor for Education (DME)
- State Board of Education
- U.S. Department of Education
- Accrediting organizations
- Financial aid organizations
- U.S. Comptroller
- U.S. Attorney General
- DC Attorney General
- Courts
- DC Department of Human Services
- DC Department of Health Care Finance

See the OSSE policy entitled “Use Access Management,” for details about how authorized users can obtain access to data.

F. PARENTAL CONSENT

When prior written consent of the parent or eligible student is required before a disclosure may be made, the Parental Disclosure Authorization form in Appendix B must be completed.

G. HOW DATA WILL BE PROVIDED

Data disclosures that are permissible under this policy will be provided either directly via user access to OSSE’s State Longitudinal Educational Database or indirectly via a report run from the appropriate OSSE database after receipt of a request in the appropriate format as per Appendix A. OSSE’s data systems employ unique student identifiers to link student records to a particular student. Given the strong prohibitions against releasing a student’s information, OSSE will release student-level data (when approved) using a separate identifier that is not related to the unique student identifier. Data will be provided in electronic format whenever feasible. If electronic format is not feasible, then data will be provided in hard copy format.

H. **PUBLIC NOTICE**

OSSE provides notice to the public about the Statewide Longitudinal Education Data System (SLED) via its website at:

<http://osse.dc.gov/service/statewide-longitudinal-education-data-system-sled>



Office of the



State Superintendent of Education

APPENDIX B

Parental Disclosure Authorization Form

The Federal Educational Rights and Privacy Act (FERPA) is a Federal law concerning the privacy of, and access to, student education records. FERPA gives parents and guardians certain privacy rights with respect to their children's education records. This form permits a parent or guardian to voluntarily authorize the release of education records to a third-party. Such a release is not mandatory. For additional information, visit the U.S. Department of Education's website: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

This form must be fully completed and signed. Education records cannot be released if the form is not complete.

I. STUDENT INFORMATION:

Student Name:

Date of Birth:

Student School and Grade:

II. RECORDS TO BE RELEASED (LIST BELOW):

III. PERSON(S) TO WHOM ACCESS OF EDUCATIONAL RECORDS MAY BE PROVIDED:

Name(s):

--

Address(es):

--

IV. RELEASE DURATION (USUALLY ONE YEAR):

This Authorization Expires on:

--

V. DESCRIBE THE PURPOSE OF THE RELEASE:

--

I consent to this release understanding that (1) I have the right not to consent to the release of the student's education records, (2) I have a right to inspect any written record pursuant to this consent form, and (3) I have the right to revoke this consent at any time by providing a written revocation to the Office of the State Superintendent of Education (OSSE).

Parent/Guardian's Written Name:

Parent/Guardian's Signature:

Date:

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EXHIBIT B

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

Staff	Proposal Request/Notification from LEA
<input type="checkbox"/> Board Action	<input type="checkbox"/> Enrollment Ceiling Increase
<input type="checkbox"/> Notice of Concern	<input type="checkbox"/> Change in LEA Status
<input type="checkbox"/> Notice of Deficiency	<input type="checkbox"/> Lift Board Action
<input type="checkbox"/> Notice of Probation	<input type="checkbox"/> Approve Accountability Plan
<input type="checkbox"/> Charter Warning	<input type="checkbox"/> Operate in a New Location
<input type="checkbox"/> Proposed Revocation	<input type="checkbox"/> Charter Amendment
<input type="checkbox"/> Revocation	<input type="checkbox"/> Approve E-Rate Plan
<input type="checkbox"/> Charter Continuance	<input type="checkbox"/> Contract(s) \$25,000 or more
<input type="checkbox"/> Charter Approval (Full)	
<input type="checkbox"/> Charter Approval (Conditional)	
<input type="checkbox"/> Charter Denial	
<input type="checkbox"/> Proposed Revisions to PCSB Existing Policy--Vote	
<input type="checkbox"/> New PCSB Policy—Open for Public Comment	
<input type="checkbox"/> New PCSB Policy—Vote	
<input checked="" type="checkbox"/> Discussion Item/Public Notification	

PREPARED BY: Charlie Sellew, Data Analyst
Mikayla Lytton, Manager of Strategy and Analysis

SUBJECT: Amendment to Existing FERPA Policy – Clarifying PCSB's Practices on Anonymized Aggregate Data

DATE: February 19, 2014

As an amendment to its existing FERPA Policy, approved July 3, 2012, the DC Public Charter School Board ("PCSB") staff plans to adopt the following practices for anonymizing and aggregating student data for all PCSB data reports. The proposed practices are:

1. The minimum population "n-size" for any rate or average shall be 10. This minimum applies to the total population considered in a group, i.e. the denominator of a calculation. In joint publications with other organizations, to preserve citywide continuity, or to follow an established business-rule, PCSB may use n-size minimums greater than 10.
2. In cases of sensitive, negative data publication, PCSB will not publish aggregated data at the LEA, campus, or subgroup level which results in a greater than 95% or less than 5% rate. Instead, these will be published as ">95%" or "<5%." This practice applies to the following data:
 - Poor academic performance (e.g. 0% proficient on DC CAS/AP/SAT or 0% graduation rate for a specific subgroup)
 - Discipline (e.g. 100% suspension rate, 100% expulsion rate of a specific subgroup)

Beyond these specific cases, PCSB staff will continue to use their best judgment under these guiding principles.

Examples

Example	Publish?	Rationale	Implementation
7 of 140 students were suspended.	Y	The 10 n-size minimum applies to the denominator.	
7 of 9 students in sixth grade were suspended.	N	The population does not meet the n-size minimum.	Do not publish sixth grade suspension rate. Consider publishing data for a larger population, such as all middle school students.
2 of 140 students were advanced on DC CAS math.	N	PCSB will not publish <5% or >95% rates for negative, sensitive data.	Instead, publish that <5% of students were advanced on DC CAS math. When feasible, avoid publishing n-size of these calculations.
0 of 140 students were suspended.	Y	PCSB will publish 0% or 100% for positive data.	

D.C. Public Charter School Board July 3, 2012

POLICY TITLE:		
FERPA POLICY		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
ORIGINALLY PROPOSED (For public comment) 5/7/12		
PROPOSED FOR BOARD APPROVAL 7/3/12		N/A
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY:		
School Operations		

The following policy was introduced for public comment at the May 21, 2012 board meeting. 30 days of public comment were offered, along with a public hearing held on June 18.

No public testimony was received. One written comment was received, submitted by Leslie Gross, Chief of the Child Protection Section of the DC Office of the Attorney General. Ms. Gross suggested that we add a footnote to the definition of “Parent” that would allow a student’s guardian, including one assigned by a Child Protective Services Agency, to easily qualify under the definition and so have access to student records without undue burden. This suggestion was accepted and is incorporated in a revised policy submitted for approval.

PROPOSED FERPA-RELATED POLICIES:

1. Each charter school board shall adopt and comply with the Model DC Charter School FERPA Policy (at Exhibit B) or adopt and comply with a policy that is consistent with the standards provided in this Model Policy. This board-adopted policy must be submitted to the PCSB by December 31, 2012.
2. The PCSB shall designate a FERPA Contact at PCSB. This individual will counsel charter schools with FERPA-related questions (including whether any specific information is considered “personally identifiable” under FERPA). This individual will also maintain PCSB’s FERPA records and serve as schools’ official contact.
3. That the Board adopt the following FERPA Policy:

DRAFT POLICY FOR APPROVAL
D.C. Public Charter School Board July 3, 2012

DISCLOSURE OF STUDENT RECORDS UNDER THE
FAMILY EDUCATIONAL RIGHTS PRIVACY ACT (FERPA)

Purpose: To clarify the restrictions on disclosure of students' education records under the Family Educational Rights Privacy Act ("FERPA") for the District of Columbia Public Charter School Board (the "Board") and its employees.

Policy: The Board may not release personally identifiable information contained within student education records to a third party unless such release is expressly permitted under FERPA. A student's education records under FERPA include all records directly related to the student and which are maintained by the Board. Records covered by FERPA therefore include, but are not limited to: grades, report cards, transcripts, attendance information, academic appeals, and records of any disciplinary proceedings. This list is not exhaustive and is provided only as an example of the wide range of information considered to be an "education record" under FERPA.

Definitions:

Eligible Student: A student 18 years of age or over. (Eligible Students have FERPA consent rights.)

Parent: A parent or legal guardian¹ of a student at a School.

School: A public charter school under the Board's jurisdiction.

Procedures:

Disclosure

The Board will protect the privacy of all student education records in its possession and will not disclose personally identifiable information within student education records to anyone other than the Parent or Eligible Student unless (1) the Parent or Eligible Student has provided prior written consent to such disclosure using the attached "Consent to Disclose Student Education Records" form (Exhibit A); (2) the information to be disclosed has been classified as "directory information" in Schools' annual FERPA notification (described further below); or (3) the disclosure is permitted under one or more FERPA exceptions, some of which are presented below, but must be specifically determined to apply in a particular circumstance by the Board before the disclosure occurs.

¹ The legal guardian of a student includes any individual or entity acting as a parent in the absence of a parent or guardian, including, but not limited to, any governmental agency or third party who is granted custody, care and control of a child or granted legal custody pursuant to a court order.

DRAFT POLICY FOR APPROVAL
D.C. Public Charter School Board July 3, 2012

Consent to Disclose Student Education Records Form ("Consent Form")

Unless the requested records are not covered by FERPA or an exception applies, a Parent or Eligible Student must provide advance written permission to release the student's education records to a third-party. The Parent's or Eligible Student's permission must be given through completion of the attached Consent Form. No information may be released beyond the scope of the permission as indicated in the form.

Once completed, the signed Consent Form must be kept in the Board's office. Parents or Eligible Students may revise their consent at any time during the year by completing a new form. No form shall be effective for more than one academic year.

Exceptions

Allowable Disclosures

There are several exceptions that permit the release of student education records under FERPA. The following are some common examples of parties who can receive disclosures without written consent in a manner that does not violate FERPA:

1. A contractor, consultant, volunteer to whom the Board has outsourced institutional services or functions, if the party is under the direct control of the Board and has met the Third-Party Requirements described below.
2. Other schools, school districts or institutions of postsecondary education in which the student is seeking to enroll or to transfer credits.
3. Authorized representatives of the Board, the District of Columbia Office of the State Superintendent of Education ("OSSE"), U.S. Department of Education ("DOE"), the U.S. Attorney General ("AG"), or the U.S. Comptroller General ("USCG") for audit, evaluation, or compliance activity with respect to Federal or state education programs.
4. Other DC Government agencies for the purpose of providing benefits to eligible students (limited to Board-generated rosters of student names, addresses, and enrollment status).
5. Organizations conducting studies for, or on behalf of, the PCSB, the School, or another governmental entity provided such organization has met the Third-Party Requirements described below.
6. Schools' accrediting agencies.
7. To appropriate parties, if necessary to protect the health or safety of a student or other individuals.
8. To comply with a judicial order or lawfully issued subpoena.

Responses to requests for student records can be made to the third-parties identified above. Board staff must notify the Board's FERPA Contact prior to the release of these records, provided that such notification is feasible.

DRAFT POLICY FOR APPROVAL

D.C. Public Charter School Board July 3, 2012

Recordkeeping Requirements

While the Board would be able to disclose students' records under any of the above exceptions, there are certain recordkeeping and notification requirements with respect to these disclosures. A record of the disclosure must be made in a FERPA disclosure file, which describes: (1) the party or parties who received the students' records; and (2) the legitimate interests of the party or parties had in requesting and obtaining the information. In the event that the disclosure is to an authorized representative of the Board, a School, OSSE, the DOE, AG, or USCG, the record of the disclosure may be made by class, school, or other appropriate grouping. (For example, if OSSE requested all student records for a particular School, a record could be made indicating that the entire School's student records were provided, rather than noting a disclosure for each student.)

Notification Requirements

If the Board receives a judicial order or lawfully issued subpoena, there are certain notification requirements it must make before disclosing the students' records. The Parent or Eligible Student must be notified of the order or subpoena in order to give an opportunity to seek protective action. Before disclosing student education records pursuant to a judicial order or lawfully issued subpoena, please consult with Board counsel.

Third-Party Requirements

If the Board discloses student records that contain personally identifiable information to an authorized representative, such as a contractor, consultant or research organization, a written agreement must be entered into between the Board and the data recipient. The agreement must specify the following:

1. The designated official or entity that constitutes an authorized representative;
2. The type of student records to be disclosed to the authorized representative;
3. The purpose for which the student records are being disclosed;
4. A requirement that the authorized representative must destroy any personally identifiable information when it is no longer needed for the purpose specified, and a time period in which the information will be destroyed; and
5. Policies and procedures to protect personally identifiable information within the students' records from re-disclosure and unauthorized use by the authorized representative.

Health and Safety Emergencies

The Board may disclose student education records that contain personally identifiable information to appropriate parties, including Parents, in connection with an emergency, if necessary to protect the health or safety of students or other individuals. In disclosing student records, a determination must be made that there is a clear and significant threat to individuals' health or safety. If a disclosure is made due to a health or safety emergency, the Board must record a description of the significant threat to students or other individuals that formed the basis for the disclosure, and the parties who received the information.

DRAFT POLICY FOR APPROVAL
D.C. Public Charter School Board July 3, 2012

Other FERPA Requirements:

Right to Request Inspection of Student Records

Every Parent or Eligible Student must be allowed to personally inspect copies of his or her records upon request. The Board must therefore either provide copies of student records to Parents and Eligible Students upon request, or make arrangements to allow for inspection of requested records within 45 days of when the request was received.

A reasonable fee for copies of student records may be charged, but not if imposition of a fee will prevent the Parent or Eligible Student from receiving copies of the records. No fee may be charged solely in order to search for or retrieve a student's education records.

Right to Request Amendments to Records and Hearings

If a Parent or Eligible Student believes that the education records maintained by the Board relating to the student contains information that is inaccurate or misleading, he or she may ask, in writing, for the records to be amended. If, based on that written statement, Board staff decides not to amend the records as requested it must inform the Parent or Eligible Student of its decision and the right to a hearing. The hearing may be conducted by any Board staff who was not involved in the initial decision not to accept the Parent's or Eligible Student's request to amend the relevant records.

In the event of a hearing, if the Board staff who conducted the hearing decides that the information in question is inaccurate or misleading, it must direct relevant staff to amend the records accordingly and inform the Parent or Eligible Student of the amendment in writing. If, on the other hand, Board staff decides that the information is not inaccurate or misleading, they must provide a decision in writing and inform the Parent or Eligible Student of the right to place a statement in the records commenting on the contested information. Board staff's decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Reasonable Protection of Student Information

The Board will ensure that Board employees may obtain access to only those education records in which they have legitimate educational interests. The Board will use physical and technological access controls as well as an administrative policy for controlling access to education records.

DRAFT POLICY FOR APPROVAL
D.C. Public Charter School Board July 3, 2012

EXHIBIT A

CONSENT TO DISCLOSE STUDENT EDUCATION RECORDS

Student's Name _____

Age of Student _____

Parent's Name (if student is under 18) _____

Student Social Security # _____

I know that the Family Education Rights and Privacy Act of 1974 as amended protects the privacy of student education records and limits access to the information contained in those records.

I have indicated below the party or parties who may have information from my education records:

1) Name: _____ Relationship: _____

Address: _____

City, State, Zip: _____

Phone: () _____

2) Name: _____ Relationship: _____

Address: _____

City, State, Zip: _____

Phone: () _____

PLEASE INITIAL ALL AREAS THAT APPLY:

1. If asked, I want the above named individual(s) to receive student records regarding: _____

DRAFT POLICY FOR APPROVAL
D.C. Public Charter School Board July 3, 2012

2. The purpose of disclosing the student records is as follows: _____

Date

Printed Name

The consent provided by this form
is effective for only the current
academic year.

Student's Signature (if student is 18 or over)
Parent's Signature (if student is under 18)

EXHIBIT B

MODEL DC CHARTER SCHOOL FERPA POLICY
DISCLOSURE OF STUDENT RECORDS UNDER THE
FAMILY EDUCATIONAL RIGHTS PRIVACY ACT (FERPA)

Purpose: To clarify the restrictions on disclosure of students' education records under the Family Educational Rights Privacy Act ("FERPA") for _____ charter school ("School") and its employees.

Policy: The School may not release personally identifiable information contained within student education records to a third party unless such release is expressly permitted under FERPA. A student's education records under FERPA include all records directly related to the student and which are maintained by a School. Records covered by FERPA therefore include, but are not limited to: grades, report cards, transcripts, attendance information, academic appeals, and records of any disciplinary proceedings. This list is not exhaustive and is provided only as an example of the wide range of information considered to be an "education record" under FERPA.

Definitions:

Eligible Student: A student 18 years of age or over. (Eligible Students have FERPA consent rights)

Parent: A parent or legal guardian¹ of a student at a School.

PCSB FERPA Contact: Staff member or designee of D.C. Public Charter School Board ("PCSB") designated as the School's point of contact on FERPA-related issues and compliance.

Procedures:

Disclosure

The School will protect the privacy of all student education records and will not disclose personally identifiable information within student education records to anyone other than the

¹ The legal guardian of a student includes any individual or entity acting as a parent in the absence of a parent or guardian, including, but not limited to, any governmental agency or third party who is granted custody, care and control of a child or granted legal custody pursuant to a court order.

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Parent or Eligible Student unless (1) the Parent or Eligible Student has provided prior written consent to such disclosure using the attached "Consent to Disclose Student Education Records" form; (2) the information to be disclosed has been classified as "directory information" in the School's annual FERPA notification (described further below); or (3) the disclosure is permitted under one or more FERPA exceptions, some of which are presented below, but must be specifically determined to apply in a particular circumstance by the School's administration before the disclosure occurs.

Consent to Disclose Student Education Records Form ("Consent Form")

Unless the requested records are not covered by FERPA, have been classified "directory information" in the annual FERPA notification, or another exception applies, a Parent, or Eligible Student must provide advance written permission to release the student's education records to an outside third-party. The Parent's or Eligible Student's permission must be given through completion of the attached Consent Form. No information may be released beyond the scope of the permission as indicated in the form.

Once completed, the signed Consent Form will be kept in the School's office. Parents or Eligible Students may revise their consent at any time during the year by completing a new form. No form shall be effective for more than one academic year.

Directory Information

Allowable Information

The School may disclose student information that has been classified as "directory information" in its annual FERPA notification. Directory information refers to information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to, the following student information:

1. Student name
2. Address and telephone number
3. E-mail address
4. Photograph
5. Date and place of birth
6. Grade level
7. Dates of attendance
8. Participation in officially recognized activities and sports
9. Weight and height of members of athletic teams
10. Degrees, honors, and awards received

Directory information cannot include a student's Social Security number. A student's ID number or user ID can be considered directory information, but only if that identifier cannot be

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used to gain access to the student's education records without utilizing a password or personal identification number.

Annual FERPA Disclosure Regarding Directory Information and Opt Out Option

In order for the School to disclose directory information, it must first provide public notice in an annual FERPA notification to Parents and Eligible Students of the following:

1. The types of personally identifiable information that is designated as directory information;
2. A Parent's or Eligible Student's right to refuse the designation of any or all of those types of information about the student as directory information; and
3. The period of time within which a Parent or Eligible Student has to notify the School in writing that he or she does not want any or all of those types of information about the student designated as directory information.

The required annual FERPA notification can be provided within other informational documents sent by the School or as separate School correspondence.¹

Exceptions

Allowable Disclosures

There are several exceptions that permit the release of student education records under FERPA. The following are some common examples of parties who can receive disclosures without the student's written consent in a manner that does not violate FERPA:

1. A contractor, consultant, volunteer to whom the School has outsourced institutional services or functions, if the party is under the direct control of the School and has met the Third-Party Requirements described below.
2. Other schools, school districts or institutions of postsecondary education in which the student is seeking to enroll or to transfer credits.
3. Authorized representatives of the DC Public Charter School Board (PCSB), the District of Columbia Office of the State Superintendent of Education ("OSSE"), U.S. Department of Education ("DOE"), the U.S. Attorney General ("AG"), or the U.S. Comptroller General ("USCG") for audit, evaluation, or compliance activity with respect to Federal or state education programs.
4. Organizations conducting studies for, or on behalf of, the Board, a School, or another governmental entity provided such organization has met the Third-Party Requirements described below.

¹ Please see the U.S. Department of Education's "Model Notification of Rights under FERPA for Elementary and Secondary Schools." The document is a sample of a compliant annual FERPA notification document, informing parents and students of their rights and the types of information that the school can disclose under the various FERPA exceptions. School personnel who have questions regarding what information must be in the annual FERPA notification document should consult the Department's model.

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5. Schools' accrediting agencies.
6. To appropriate parties, if necessary to protect the health or safety of a student or other individuals.
7. To comply with a judicial order or lawfully issued subpoena.

Responses to requests for student records can be made to the third-parties identified above. School staff must notify the PCSB FERPA Contact prior to the release of these records, provided that such notification is feasible. Schools must within 15 days of such release provide the PCSB with a brief description of such release via upload to AOIS.

Recordkeeping Requirements

A record of any disclosure must be made in students' education records, which describes: (1) the party or parties who received the students' records; and (2) the legitimate interests of the party or parties had in requesting and obtaining the information. In the event that the disclosure is to an authorized representative of the PCSB, School, OSSE, the DOE, AG, or USCG, the record of the disclosure may be made by class, school, or other appropriate grouping. (For example, if OSSE requested all student records from the School, a record could be made indicating that the entire School's student records were provided, rather than placing a record in each student's file.)

Notification Requirements

If the School receives a judicial order or lawfully issued subpoena, there are certain notification requirements it must make before disclosing the students' records. The Parent or Eligible Student must be notified of the order or subpoena in order to give an opportunity to seek protective action. Before disclosing student education records pursuant to a judicial order or lawfully issued subpoena, please consult with School counsel.

Third-Party Requirements

If the School discloses student records that contain personally identifiable information to an authorized representative, such as a contractor, consultant or research organization, a written agreement must be entered into. The agreement must specify the following:

1. The designated official or entity that constitutes an authorized representative;
2. The type of student records to be disclosed to the authorized representative;
3. The purpose for which the student records are being disclosed;
4. A requirement that the authorized representative must destroy any personally identifiable information when it is no longer needed for the purpose specified, and a time period in which the information will be destroyed; and
5. Policies and procedures to protect personally identifiable information within the students' records from re-disclosure and unauthorized use by the authorized representative.

If charter school staff are contacted by a party purporting to be an authorized representative of the PCSB, OSSE, the DOE, AG, or USCG requesting student records, or purporting to be a

DRAFT POLICY FOR COMMENTD.C. Public Charter School Board 5/7/12

representative of an organization conducting a study or studies for, or on behalf of one of these entities, they must notify the PCSB FERPA Contact prior to the release of student records.

Health and Safety Emergencies

The School may disclose student education records that contain personally identifiable information to appropriate parties, including parents of a student, in connection with an emergency, if necessary to protect the health or safety of students or other individuals. In disclosing student records, a determination must be made that there is a clear and significant threat to individuals' health or safety. If a disclosure is made due to a health or safety emergency, the School must record a description of the significant threat to students or other individuals that formed the basis for the disclosure, and the parties who received the information.

Other FERPA Requirements:

Right to Request Inspection of Student Records

Every Parent or Eligible Student must be allowed to personally inspect copies of his or her records upon request. The School must therefore either provide copies of student records to Parents and Eligible Students upon request, or make arrangements to allow for inspection of requested records within 45 days of when the request was received.

A reasonable fee for copies of student records may be charged, but not if imposition of a fee will prevent the Parent or Eligible Student from receiving copies of the records. No fee may be charged solely in order to search for or retrieve a student's education records.

Right to Request Amendments to Records and Hearings

If a Parent or Eligible Student believes that the education records maintained by the School relating to the student contains information that is inaccurate or misleading, he or she may ask for the records to be amended, in writing. If, based on that written statement, the School decides not to amend the records as requested it must inform the Parent or Eligible Student of its decision and the right to a hearing. The hearing may be conducted by any School staff who was not involved in the initial decision not to accept the Parent's or Eligible Student's request to amend the relevant records.

In the event of a hearing, if the School staff who conducted the hearing decides that the information in question is inaccurate or misleading, it must direct relevant staff to amend the records accordingly and inform the Parent or Eligible Student of the amendment in writing. If, on the other hand, School staff decides that the information is not inaccurate or misleading, it must provide its decision in writing and inform the Parent or Eligible Student of the right to place a statement in the records commenting on the contested information. School staff's decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

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Reasonable Protection of Student Information

[Insert school policy here]

[Schools must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A school that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it restricts access to officials with legitimate educational interests. Each school's policy with respect to accessing student records should reflect its capacity to protect student information through the various means that it uses.]

EXHIBIT C

PROACTIVE

PCSB UNIT OF RESPONSIBILITY: Information Technology

REFERENCE

N/A	N/A
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PROCEDURE

Schools must submit their student attendance and demographic data using either:

1. an automated pull, via an SIF Agent,
2. file upload, via a template created internally by the D.C. Public Charter School Board, or
3. manual entry

Once a school has entered its demographic data, it will go through ProActive's automated validation process. Clean, or error free, demographic data will appear in ProActive the same day. Demographic data that contains errors or conflicts will generate error reports and will not appear in ProActive or be sent to the Office of the State Superintendent of Education (OSSE) for the services described above.

*Please note - if you submit your data via file upload you will be informed of any errors real-time and will be responsible for making the corrections immediately.

If data is submitted via SIF and captured in the conflict staging area, the PCSB will provide the campus with an error report identifying the issues within 2 business days. It is the school's responsibility to correct all errors or conflicts within 2-3 business days thereafter.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

Staff Proposal	School Request
<input type="checkbox"/> Charter Application Approval (Full)	<input type="checkbox"/> Enrollment Ceiling Increase
<input type="checkbox"/> Charter Application Approval (Conditional)	<input type="checkbox"/> Change in LEA Status
<input type="checkbox"/> Charter Application Denial	<input type="checkbox"/> Lift Board Action
<input type="checkbox"/> Charter Continuance	<input type="checkbox"/> Approve Accountability Plan
<input type="checkbox"/> Proposed Revocation	<input type="checkbox"/> Operate in a New Location
<input type="checkbox"/> Revocation	<input type="checkbox"/> Charter Amendment
<input type="checkbox"/> Lift Board Action	<input type="checkbox"/> Approve E-Rate Plan
<input type="checkbox"/> Board Action, Charter Warning	
<input type="checkbox"/> Board Action, Notice of Concern	
<input type="checkbox"/> Board Action, Notice of Deficiency	
<input type="checkbox"/> Board Action, Notice of Probation	
<input type="checkbox"/> Proposed Revisions to PCSB Existing Policy	
<input type="checkbox"/> New PCSB Policy—Open for Public Comment	
<input checked="" type="checkbox"/> New PCSB Policy—Vote	
<input type="checkbox"/> Other	

PREPARED BY: Tim Harwood – Equity & Fidelity Team

SUBJECT: Data Management Policy

DATE: April 15, 2013

Proposal/Request

PCSB staff recommends that the Board vote to approve the Data Management Policy first introduced for public comment on February 25, 2013. PCSB received public comments from Community Academy Public Charter School, Next Step Public Charter School, Education Strengthens Families Public Charter School, Maya Angelou Public Charter School, and FOCUS, and revised the policy based on the feedback. Most of the concern centered around the 30-day data-validation window being too short a time. Changes to this policy attempt to clear up the language to show that schools will have between 45-55 days to verify previously submitted attendance and discipline data for any given month.

Policy

This policy requires that all data entered into PCSB's data management system by a school be verified as complete and accurate 30 days from the end of the month in which it was submitted – this will be considered the "data validation window." Once this 30-day data validation window has closed, the student-level attendance and discipline data will be considered verified, accurate, and final by the school and will be available to PCSB staff to produce reports for internal and external use.

The Data Management Policy would establish the following data-validation timeline and should be read in conjunction with the previously approved Attendance and Discipline

Data Policy (2012). According to the Attendance and Discipline Data Policy (2012), for any given month that students are enrolled in a school, attendance data must be submitted to PCSB by 5 business days after the start of the next month and discipline data must be submitted 14 days after the start of the next month. The Data Management Policy gives schools until the 1st of the second month to verify the accuracy of these data. This provides a school between 45 and 55 days to verify the accuracy of any given month's data. (See the chart below.) After this point, the data will be considered verified and final and schools will not generally be given an opportunity to change the data, unless under exceptional situations agreed to by PCSB staff.

Data Submission and Verification Chart

Attendance and Discipline Data by Date	Enrollment Data Submitted	Attendance Data Due (adjusted to assume a weekend occurs within the first five days of the new month)	Discipline Data Due	Enrollment, Attendance, and Discipline Data Validation Window Closes
July 1-31	5 business days after a student enters or exits a school	August 7	August 14	October 1
August 1-31		September 7	September 14	November 1
September 1-30		October 7	October 14	December 1
October 1-31		November 7	November 14	January 1
November 1-30		December 7	December 14	February 1
December 1-31		January 14 (due to holidays)	January 14	March 1
January 1-31		February 7	February 14	April 1
February 1-28/29		March 7	March 14	May 1
March 1-31		April 7	April 14	June 1
April 1-31		May 7	May 14	July 1
May 1-31		June 7	June 14	August 1
June 1-30		July 7	July 14	September 1

The verified and final data may be used for various purposes without an additional "data validation window", including reporting data to DC Council, the Deputy Mayor of Education, the Office of the State Superintendent of Education, the media, the Performance Management Framework, and the Public Charter School Board website.

However, to the extent PCSB uses school verified and final data to conduct further calculations, PCSB will continue to have validation windows to ensure business rules were applied consistently and calculations were done accurately for school-level reports that will be made public. In these cases, PCSB staff will (1) share with each school the rates that were calculated, (2) provide schools with two days to review the calculations and make any

necessary revisions in the PCSB data management system, and (3) re-calculate the rates, if necessary, prior to producing the public report. Due to the short period of time to review PCSB's calculations, these validation windows will focus on the rules and calculations only, with the expectation that schools have verified their data for accuracy.

Failure for schools to maintain *current, complete, and accurate* attendance and discipline data in the PCSB data management system will increase the likelihood that the school will undergo an audit under PCSB's Data Audit Policy (2012) and/or receive a Notice of Concern.

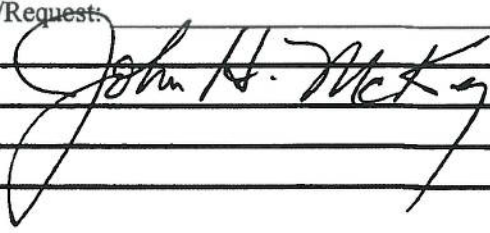
Background

According to PCSB's Attendance and Discipline Data Policy (2012), charter schools are to submit all required data to PCSB as requested either via ProActive, AOIS, encrypted Excel files, or another secure method. Present, tardy and absent documentation must be completed on a daily basis for every student enrolled in the school for the current school year. Attendance data must be submitted into ProActive five business days after the start of the next month. The school must enter or upload every suspension and expulsion into ProActive on a monthly basis as per the schedule provided to schools.

After submitting data schools are able to see such data within one business day by accessing the ProActive system. Schools are therefore able to conduct their own data validation to ensure that data entered is correct.

The District of Columbia Compulsory School Attendance Law (CSAL) requires minors who become five (5) years of age by September 30 in a given school year up to the age of 18 to be enrolled in school and attending regularly.

In order to help in the city-wide effort to address truancy and better serve families, PCSB has agreed to share truancy numbers with CFSA and DC Superior Court on an as-needed basis. To do so, PCSB must have accurate attendance data in ProActive in order to provide accurate truancy counts to these agencies.

Date:	4/15/13
PCSB Action:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Changes <input type="checkbox"/> Rejected
Changes to the Original Proposal/Request:	
	

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

Staff Proposal

- ☐ Charter Application Approval (Full)
- ☐ Charter Application Approval (Conditional)
- ☐ Charter Application Denial
- ☐ Charter Continuance
- ☐ Proposed Revocation
- ☐ Revocation
- ☐ Lift Board Action
- ☐ Board Action, Charter Warning
- ☐ Board Action, Notice of Concern
- ☐ Board Action, Notice of Deficiency
- ☐ Board Action, Notice of Probation
- ☐ Proposed Revisions to PCSB Existing Policy
- ☐ New PCSB Policy—Open for Public Comment
- ☒ New PCSB Policy—Vote
- ☐ Other—Discussion Item

School Request

- ☐ Enrollment Ceiling Increase
- ☐ Change in LEA Status
- ☐ Lift Board Action
- ☐ Approve Accountability Plan
- ☐ Operate in a New Location
- ☐ Charter Amendment
- ☐ Approve E-Rate Plan

PREPARED BY: Mikayla Lytton – School Performance Department

SUBJECT: Data Access Security Policy

DATE: November 18, 2013

Proposal/Request

DC Public Charter School Board (“PCSB”) staff requests that its Board vote to approve the proposed Data Access Security Policy. The proposed policy was opened for public comment September 16 – October 16; no public comments were submitted.

Policy

Beginning in School Year 2013-14, all public charter Local Education Agencies (“LEAs”) and their constituent campuses will be responsible for ensuring that only authorized school staff have access to the school’s student-level data in PCSB’s data systems, including but not limited to ProActive, SharePoint, Epicenter, and Secure File Transfer Protocol (“SFTP”) sites. Accordingly, each LEA will be responsible for the following:

- Reviewing, before the beginning of each school year, staff access to all applicable data systems and notify PCSB of any individuals who should not have access to the systems. PCSB will help schools in this process through training, documentation, and, as necessary, hands on assistance.
- Requesting additional staff access to PCSB’s data systems on an as-needed basis.
- Notifying PCSB in writing of any contractors, consultants, or other third parties who it has authorized to access the school’s student-level data and communicate with PCSB on its behalf.

- Providing PCSB with the contract that delineates the measures in place to ensure compliance with the Family Educational Rights Privacy Act ("FERPA").
- Notifying PCSB within 5 business days after staff or consultants with access to PCSB's data systems leave their position or have their contracts terminated. PCSB will deactivate those individuals' access to ProActive, SharePoint, Epicenter, and any other data systems in place within 5 business days of receiving the notice.
- Prohibiting school staff from sharing logins to ProActive or Epicenter. If additional staff members need access to these databases, the school will request access for each individual.

Background

PCSB collects student-level data directly from charter LEAs and campuses for local and federal reporting; accountability, including Performance Management Framework calculations; monitoring of legal compliance; internal analysis; and other purposes as necessary. To support data quality assurance efforts and analysis, PCSB makes available student-level and aggregated data to the schools and their authorized staff. In order to comply with FERPA, PCSB and schools must ensure that only school-determined authorized staff have access to student-level data, including enrollment, demographic, attendance, discipline, and academic data.

In the past, PCSB has requested that schools notify PCSB of any staffing changes. However, the process for doing so was not formalized in policy.

Date: _____
PCSB Action: _____ Approved _____ Approved with Changes _____ Rejected
Changes to the Original Proposal/Request: _____

EXHIBIT D

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

Staff Proposal	School Request
<input type="checkbox"/> Charter Application Approval (Full)	<input type="checkbox"/> Enrollment Ceiling Increase
<input type="checkbox"/> Charter Application Approval (Conditional)	<input type="checkbox"/> Change in LEA Status
<input type="checkbox"/> Charter Application Denial	<input type="checkbox"/> Lift Board Action
<input type="checkbox"/> Charter Continuance	<input type="checkbox"/> Approve Accountability Plan
<input type="checkbox"/> Proposed Revocation	<input type="checkbox"/> Operate in a New Location
<input type="checkbox"/> Revocation	<input type="checkbox"/> Charter Amendment
<input type="checkbox"/> Lift Board Action	<input type="checkbox"/> Approve E-Rate Plan
<input type="checkbox"/> Board Action, Charter Warning	
<input type="checkbox"/> Board Action, Notice of Concern	
<input type="checkbox"/> Board Action, Notice of Deficiency	
<input type="checkbox"/> Board Action, Notice of Probation	
<input checked="" type="checkbox"/> Proposed Revisions to PCSB Existing Policy	
<input type="checkbox"/> New PCSB Policy—Open for Public Comment	
<input type="checkbox"/> New PCSB Policy—Vote	
<input type="checkbox"/> Other	

PREPARED BY: Rashida Kennedy – Equity & Fidelity Team

SUBJECT: Revisions to the PCSB Truancy Policy

DATE: August 19, 2013

Proposal/Request

DC Public Charter School Board (“PCSB”) staff requests that its Board vote to accept the proposed revisions to the 2012 PCSB Truancy policy. Any changes from the original policy are found in red underlined text.

New local laws have established a new definition for truancy, as well as a different threshold for unexcused absences at which LEAs must report a student for educational neglect. Additionally, data from last year’s pilot Truancy Policy has informed PCSB staff on truancy norms. Thus, PCSB staff requests the Board to approve revisions to the Truancy Policy. This policy would go into effect beginning SY 2013-2014. The proposed revisions would include the following provisions:

PCSB Truancy Policy

- Chronically truant is now defined as a school-aged student (between ages 5-18) who accrues 10 or more unexcused absences within a single school year. A school’s truancy rate will be based on the percentage of students with 10 or more unexcused absences for all students between ages 5-18.

- The school year will be broken into four quarters. For the first quarter, PCSB will provide schools with baseline data indicating their overall truancy rate. Schools will also be provided data indicating the total number of unexcused absences, total number of excused absences, percentage of instructional days lost for all students, and the number/ names of all students who were chronically truant (10 or more days for all students). The reviews will be divided as follows:
 - 1st review: August – September 30th (results reported on December 1st)
 - 2nd review: October 1st – November 31st (results reported on February 1st)
 - 3rd review: December 1st – January 31st (results reported on April 1st)
 - 4th review: February 1st – March 31st (results reported on June 1st)
 - Final review of *whole school* population: August-June 30th (results reported in August)
- Traditional LEAs must maintain a truancy rate at or below 20% on a quarterly basis (25% for high schools). At the end of the second quarter, schools that have a truancy rate over 20% (25% for high schools) will be subject to a Notice of Concern.
- Officially designated alternative LEAs must maintain a truancy rate at or below 35% on a quarterly basis. At the end of the second quarter, schools that have a truancy rate over 35% will be subject to a Notice of Concern.
- The Notice of Concern can be lifted the following quarter based upon improvement in the following categories:
 - Improvement in the percentage of instructional days lost for the whole school (defined as total unexcused + total excused / total # days enrolled)
 - Improvement in attendance for the majority of students who were defined as truant (10 days) in the previous quarter(s)
 - Maintaining a truancy rate lower than 20% for the school population (25% for high schools; 35% for alternative LEAs) excluding those already counted as truant in the first quarter. (For the *whole school* population, including previously truant students, the truancy rate cannot exceed 30% for elementary and middle schools; 35% for high schools; 45% for alternative LEAs.)
- Factors such as documented due diligence in areas of school-parent communication, interventions, best practices, etc. may be taken into consideration at the discretion of PCSB.
- All Notices of Concern would be lifted at the end of the year and the school would start fresh the next year.
- It is PCSB's discretion to determine whether a notice of concern is lifted if a school's truancy rate decreases only due to truant students being expelled or withdrawn.

Proposed language <i>(highlight shows change from original policy)</i>	Language from the Board-approved 2012 Truancy Policy	Reason for change
Truancy as a form of educational neglect is determined as 10 or more unexcused absences for all students ages 5-18.	Truancy as a form of educational neglect is determined as 10 or more unexcused absences (ages 5-13 for ES/MS students) or 25 or more unexcused absences (ages 14-17 for HS students).	New city-wide regulation on truancy
High schools must maintain a truancy rate at or below 25%; to lift a Notice of Concern, for the whole school population including previously truant students, the truancy rate for high schools cannot exceed 35%	Traditional local education agencies (LEAs) must maintain a truancy rate at or below 20% on a quarterly and annual basis	The truancy rate for high-school aged students (i.e., ages 14-18) has changed from 25 unexcused days to 10 unexcused days.
Officially designated alternative LEAs must maintain a truancy rate at or below 35%; to lift a Notice of Concern, for the whole school population including previously truant students, the truancy rate for alternative schools cannot exceed 45%	Officially designated alternative LEAs must maintain a truancy rate at or below 25% on a quarterly and annual basis.	The truancy rate for high-school aged students (i.e., ages 14-18) has changed from 25 unexcused days to 10 unexcused days. For schools designated as alternative, the SY 2013 end of year truancy rate was much higher than traditional schools (rate over 45% for all alternative schools).

Background

In 2008 the PCSB began implementation of the Attendance and Truancy Policy. Truancy rates were documented as the percentage of students with 15 or more *unexcused absences* during the academic year in Washington, D.C. The policy was revised in 2012 and renamed the PCSB Truancy Policy. Changes to the policy reflected new rules on the definition of truancy, in which truancy was defined as the percentage of students ages 5-13 who accrued 10 unexcused absences, and the percentage of students ages 14-17 who reached 25 or more unexcused absences. It was implemented as a pilot with no Notices of Concern being issued.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

Staff Proposal

- ☐ Charter Application Approval (Full)
- ☐ Charter Application Approval (Conditional)
- ☐ Charter Application Denial
- ☐ Charter Continuance
- ☐ Proposed Revocation
- ☐ Revocation
- ☐ Lift Board Action
- ☐ Board Action, Charter Warning
- ☐ Board Action, Notice of Concern
- ☐ Board Action, Notice of Deficiency
- ☐ Board Action, Notice of Probation
- ☒ Proposed Revisions to PCSB Existing Policy
- ☐ New PCSB Policy—Open for Public Comment
- ☐ New PCSB Policy—Vote
- ☐ Other

School Request

- ☐ Enrollment Ceiling Increase
- ☐ Change in LEA Status
- ☐ Lift Board Action
- ☐ Approve Accountability Plan
- ☐ Operate in a New Location
- ☐ Charter Amendment
- ☐ Approve E-Rate Plan

PREPARED BY: Rashida Kennedy and Tim Harwood – Equity & Fidelity Team

SUBJECT: Revisions to the PCSB Attendance and Truancy Policy

DATE: November 19, 2012

Proposal/Request

PCSB staff requests the Board to approve revisions to the Attendance and Truancy Policy based on new local laws that require LEAs to report truant students ages 5 to 13 at 10 or more unexcused absences. These revisions would include the following provisions:

- Truancy is defined as the percentage of students with 10 or more unexcused absences (ages 5-13 for ES/MS students) or 25 or more unexcused absences (ages 14-17 for HS students).
- Traditional local education agencies (LEAs) must maintain a truancy rate at or below 20% on a quarterly and annual basis.
- Officially designated alternative LEAs must maintain a truancy rate at or below 25% on a quarterly and annual basis.
- Based on quarterly reports to the board, schools that do not meet these attendance and truancy requirements will receive Board action.
- Factors such as documented due diligence in the legally-required areas of school-parent communication, interventions, best practices, etc. may be taken into consideration at the discretion of the board.
- A Board notice of concern will be lifted based upon a designated percentage of improvement in attendance for students that have been defined as truant in the previous

quarter(s). (This designated percentage will be based upon baseline data of truancy rates from SY 2011-2012, and may be amended based upon attendance trends.)

- It is at the Board's discretion to determine whether a notice of concern will be lifted if a schools's truancy rate decreases only due to truant students being expelled.

Proposed language	Current language from the Board-approved 2008 Attendance and Truancy Policy	Reason for change
Truancy is defined as the percentage of students with 10 or more unexcused absences (ages 5-13 for ES/MS students) or 25 or more unexcused absences (ages 14-17 for HS students).	Truancy is defined as the percentage of students with 15 or more unexcused absences during the academic year in Washington D.C.	New city-wide definition of truancy
Traditional local education agencies (LEAs) must maintain a truancy rate at or below 20% on a quarterly and annual basis	Traditional local education agencies (LEAs) must maintain an attendance rate at or above 85% and a truancy rate at or below 20% on a quarterly and annual basis.	When this policy was first introduced, the PMF did not yet exist. Attendance rate was removed so schools would not be double-penalized for a low attendance rate on the PMF and with a Notice of Concern.
Officially designated alternative LEAs must maintain a truancy rate at or below 25% on a quarterly and annual basis.	Officially designated alternative LEAs must maintain an attendance rate of at or above 69% and a truancy rate at or below 25% on a quarterly and annual basis.	When this policy was first introduced, the PMF did not yet exist. Attendance rate was removed so schools would not be double-penalized for a low attendance rate on the PMF and with a Notice of Concern.
A Board notice of Concern will be lifted based upon a designated percentage of improvement in attendance for students that have been defined as truant in the previous quarter(s). (This designated percentage will be based upon baseline data of truancy rates from SY 2011-2012, and may be amended based upon attendance trends.)	There was no provision built into the policy that described how a Notice of Concern could be lifted. Notices were lifted when a school's truancy rate decreased to under the 20% threshold in the subsequent quarter.	The truancy rate is cumulative. Schools voiced concern over the inability to have a Notice of Concern lifted without actually increasing the number of students in the building.

Background

In 2008 the PCSB began implementation of the Attendance and Truancy Policy. Truancy was defined as defined as the percentage of students with 15 or more *unexcused absences* during the academic year in Washington, D.C. Schools submit attendance data based on the board-approved data submission policy on a weekly basis and must have at least 90% of their previous month's attendance data complete at all times.

Date: _____
PCSB Action: _____ Approved _____ Approved with Changes _____ Rejected
Changes to the Original Proposal/Request: _____

- ☐ Staff Proposal
- ☐ Corrective Action
- ☒ PCSB Policy

- ☐ School Request
- ☐ Enrollment Ceiling Increase
- ☐ Change in LEA Status
- ☐ Lift Board Action
- ☐ Approve Accountability Plan
- ☐ Operate in a New Location
- ☐ Charter Amendment
- ☐ Approve E-Rate Plan

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

PREPARED BY: Robert V. Mayo, Ph.D. (Staff)

SUBJECT: Decision Memo for Attendance and Truancy Policy

DATE: August 8, 2008

BACKGROUND

In light of recent events and trends, attendance and truancy policy and procedural reform have been citywide imperatives culminating in: a) draft legislation outlining revised citywide truancy regulations (i.e., tracking, documented interventions, referrals, reporting, etc.) for all schools and b) a citywide multi-agency truancy reduction plan. Research has shown that there are strong correlations between high attendance and: higher measureable academic achievement, higher graduation rates, higher reenrollment rates, lower failure rates, lower drop-out rates, lower suspension/expulsion rates and decreased delinquency across all demographic groups.

Reliable local and national attendance data are difficult to find for a number of reasons. For the 2007-2008 academic year, the average attendance rate for all public charters was 92% (including both *excused* and *unexcused* absences). The PCSB Charter Review Framework states the school must attain the attendance targets set forth in its accountability plan. If the plan does not specifically address attendance rates, the school must meet the following targets:

<u>DCPCSB Required Att. Rates</u>		<u>Actual '08-'09 Att. Rates</u>
Elementary Schools:	92%	93%
Middle/Jr. High Schools:	90%	93%
Senior High Schools:	87%	89%
Alternative Schools:	69%	90%

National truancy rates are said to *average* between 10%-15% according to recent studies on urban education. Last year, the overall truancy rate for DCPCSB schools was 19%

(defined as the percentage of students with 15 or more *unexcused absences* during the academic year in D.C.). The elementary school truancy rate was negatively affected by high rates at the K and 1st grade levels (each at 24%). The middle/junior high school rates were about average. The high school rates were relatively high across the four grade levels with 10th grade being particularly high at 30%.

Actual '08-'09 Truancy Rates (K-12)

Elementary Schools:	21%
Middle/Junior High Schools:	16%
High Schools:	25%
Alternative Schools:	32%

PROPOSAL

In light of all of the above, staff recommends that the Board establish a policy that will allow it to better: track, report, support and hold schools accountable for their respective attendance and truancy trends and related legally-required interventions. Specifically, staff recommends that:

- Traditional local education agencies (LEAs) must maintain an attendance rate at or above 85% and a truancy rate at or below 20% on a quarterly and annual basis.
- Officially designated alternative LEAs must maintain an attendance rate of at or above 69% and a truancy rate at or below 25% on a quarterly and annual basis.
- Based on quarterly reports to the board, schools that do not meet these attendance and truancy requirements will receive Board action.
- Factors such as documented due diligence in the legally-required areas of school-parent communication, interventions, best practices, etc. may be taken into consideration at the discretion of the board.
- PCSB staff will continue to provide truancy prevention technical assistance to schools

Date: _____
 PCSB Action: _____ Approved _____ Approved with Changes _____ Rejected
 Changes to the Original Proposal:

ATTENDANCE

PCSB UNIT OF RESPONSIBILITY: School Performance Team

REFERENCE

N/A	N/A
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PROCEDURE

Any school age child (exemptions include those who have earned a high school diploma and those that participate in home schooling) are required to attend school. Attendance reports will be pulled quarterly to identify those schools who failed to meet the 85% attendance threshold established by D.C. Public Charter School Board (PCSB). Using only the data for compulsory school-age children, the formula for calculating average daily attendance is:

$$\frac{\text{days present} + \text{days excused}}{\text{days enrolled}}$$

Student attendance is based upon the number of days the student is in attendance during the school year (with a year having a minimum of 180 instructional days, and at least 6 hours per day or the equivalent of 900 instructional hours).

Attendance must be tracked daily and uploaded weekly into ProActive. Records should be kept regarding excused absences including illness, death in the family, court hearing, religious holiday, suspension/expulsion, lack of transportation when D.C. is legally responsible, medical/dental appointments, or documented emergency and unexcused (those without a note documenting approved excusal or those who fall outside the list of excused absences) absences.

Those schools who fail to meet 85% quarterly attendance will be issued a Notice of Concern by the PCSB. Continued inability to meet the threshold will result in a Notice of Deficiency. The deadlines to ensure all attendance information is input and updated can be found in the Annual Calendar, *Attachment I*.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

- ☐ Staff Proposal
- ☐ Corrective Action
- ☒ PCSB Policy

- ☐ School Request
- ☐ Enrollment Ceiling Increase
- ☐ Change in LEA Status
- ☐ Lift Board Action
- ☐ Approve Accountability Plan
- ☐ Operate in a New Location
- ☐ Charter Amendment
- ☐ Approve E-Rate Plan

PREPARED BY: Robert V. Mayo, Ph.D. (Staff); Ino Okoawo (Staff)

SUBJECT: Decision Memo for Attendance and Truancy Policy

DATE: August 8, 2008

BACKGROUND

In light of recent events and trends, attendance and truancy policy and procedural reform have been a city-wide imperative in recent months culminating in a) draft legislation outlining revised city-wide truancy regulations (i.e., tracking, documented interventions, referrals, reporting, etc.) for all schools and b) a multi-agency city-wide truancy reduction plan. Research has shown that there are strong correlations between high attendance and low truancy and: higher measureable academic achievement, higher graduation rates, higher reenrollment rates, lower failure rates, lower drop-out rates, lower suspension/expulsion rates across and decreased delinquency across all demographic groups.

Reliable local and national attendance data are difficult to find for a number of reasons. For the 2007-2008 academic year, the average attendance rate for all public charters was 92% (includes both *excused* and *unexcused* absences). The PCSB Charter Review Framework states the school must attain the attendance targets set forth in its accountability plan. If the plan does not specifically address attendance rates, the school must meet the following targets:

<u>DCPCSB Required Att. Rates</u>		<u>Actual '08-'09 Att. Rates</u>
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Senior High Schools:	87%	89%
Alternative Schools:	69%	90%

1
National truancy rates are said to *average* between 10%-15% according to recent studies on urban education. Last year, the overall truancy rate for DCPCSB schools was 19% (defined as the percentage of students with 15 or more *unexcused absences* during the academic year in D.C.). The elementary school truancy rate was negatively affected by high rates at the K and 1st grade levels (each at 24%). The middle/junior high school rates were about average. The high school rates were relatively high across the four grade levels with 10th grade being particularly high at 30%.

Actual '08-'09 Truancy Rates (K-12)

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PROPOSAL

In light of all of the above, staff recommends that the Board establish a policy that will allow it to better: track, report, support and hold schools accountable for their respective attendance and truancy trends and related legally-required interventions. Specifically, staff recommends that:

- Traditional local education agencies (LEAs) must maintain an attendance rate at or above 85% and a truancy rate at or below 20% on a quarterly and annual basis.
- Officially designated alternative schools/LEAs must maintain an attendance rate of at or above 69% and a truancy rate at or below 25% on a quarterly and annual basis.
- Based on quarterly reports to the board, schools that do not meet these attendance and truancy requirements will receive Board action.
- Factors such as documented due diligence in the legally-required areas of school-parent communication, interventions, best practices, etc. may be taken into consideration at the discretion of the board.
- DCPCSB staff will continue to provide truancy prevention technical assistance to schools

Date: 8/18/08

PCSB Action: Approved _____ Approved with Changes _____ Rejected _____
Changes to the Original Proposal:

ATTENDANCE AND TRUANCY POLICY

PCSB Unit of Responsibility: School Performance Team

REFERENCE

Date Approved by the Board of Directors:	August 18, 2008
Date Last Amended:	N/A

PURPOSE

This policy is set forth to establish the attendance and truancy levels that D.C. public charter schools are expected to adhere to as set by the D.C. Public Charter School Board (PCSB).

POLICY

Traditional local education agencies (LEAs) must maintain an attendance rate at or above 85% and a truancy rate at or below 20% on a quarterly annual basis.

Officially designated alternative schools/LEAs must maintain an attendance rate of at or above 69% and a truancy rate at or below 25% on a quarterly and annual basis.

Based on quarterly reports to the PCSB, schools that do not meet these attendance and truancy requirements will receive Board action.

Factors such as documented due diligence in the legally-required areas of school-parent communication, interventions, best practices, etc. may be taken into consideration at the discretion of the board.

The PCSB staff will continue to provide truancy prevention technical assistance to schools.

PROCEDURE

Attendance

Any school age child (exemptions include those who have earned a high school diploma and those that participate in home schooling) are required to attend school. Attendance reports will be pulled quarterly to identify those schools who failed to meet the 85% attendance threshold established by PCSB. Using only the data for compulsory school-age children, the formula for calculating average daily attendance is:

$$\frac{\text{days present} + \text{days excused}}{\text{days enrolled}}$$

Student attendance is based upon the number of days the student is in attendance during the school year (with a year having a minimum of 180 instructional days, and at least 6 hours per day or the equivalent of 900 instructional hours).

Attendance must be tracked daily and uploaded weekly into ProActive. Records should be kept regarding excused absences including illness, death in the family, court hearing, religious holiday, suspension/expulsion, lack of transportation when D.C. is legally responsible, medical/dental appointments, or documented emergency and unexcused (those without a note documenting approved excusal or those who fall outside the list of excused absences) absences.

ATTENDANCE AND TRUANCY POLICY

Those schools who fail to meet 85% quarterly attendance will be issued a Notice of Concern by the D.C. PCSB. Continued inability to meet the threshold will result in a Notice of Deficiency. The deadlines to ensure all attendance information is input and updated can be found in the Annual Calendar (*Attachment I*).

Truancy

The absence of any school-age child from any portion of the school day without a valid excuse is considered truancy. Schools must establish a policy for monitoring, reporting, addressing, and evaluating attendance that includes the following:

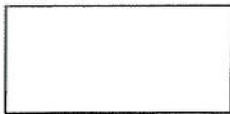
- A procedure for personal contact with parent/guardian for each unexcused absence
- A continuum meaningful supports, incentives, intervention strategies, and consequences for absenteeism
- A referral process whereby within two days of the accumulation of five or more unexcused absences within one marking period, a student shall be referred to a school-based student support team; this team shall review attendance and related issues, communicate and collaborate with parents, provide timely response to truant behavior, make recommendations for services, use resources to abate the truancy, develop an intervention plan
- At the point of ten or more unexcused absences, the school administration is required to develop an immediate intervention plan
- An appeals process, including due process, for petitioning any attendance violation decisions made by the LEA

Additionally, each LEA should develop a process to contact specific D.C. governmental agencies for the following situations:

- For those students between five and thirteen years of age, at the point of ten consecutive unexcused absences, Child and Family Services Agency shall be contacted within two school days
- For those students between five and thirteen years of age, at the point of twenty unexcused absences within one school year, Child and Family Services Agency shall be contacted within two school days
- For those students over the age of thirteen, at the point of twenty-five or more unexcused absences within one school year, the Court Social Services Division of the Superior Court of the District of Columbia and the Office of the Attorney General Juvenile Section should be contacted within two school days

Truancy rates (determined by the percentage of compulsory school-age students within a school campus with 15 or more unexcused absences) are calculated by the PCSB quarterly with the attendance pull from ProActive. Schools who have reached the 20% floor for truancy will be issued a Notice of Concern by the PCSB. Continued inability to reduce truancy below the 20% floor will result in a Notice of Deficiency.

EXHIBIT E



DISCIPLINE PLANS

PCSB UNIT OF RESPONSIBILITY: School Performance Team

REFERENCE

The D.C. School Reform Act of 1995	§38-1802.06 (g)
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PROCEDURE

The Discipline Plan is based on The D.C. School Reform Act of 1995 §38-1802.06 (g), on Expulsion and Suspension which states: The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

A charter school can develop discipline codes different from District of Columbia Public Schools (DCPS). Some DCPS policies and practices may provide guidance and be appropriate for your school. Please refer to the D.C. Municipal Regulations, Chapter 25: Student Discipline while developing your school's policies.

While the D.C. Public Charter School Board (PCSB) does not dictate the specific course of action in school discipline plans, it is suggested that every charter school's discipline plan reflect the mission and philosophy of the school and each plan contain the following information:

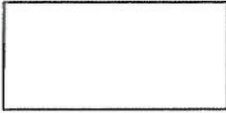
- Parent's Rights and Responsibilities
- Student's Rights and Responsibilities
- Staff's Rights and Responsibilities

Be sure that the plan includes:

- A clear explanation of infractions
- Clear statements of what specific acts are not tolerated in the school
- Clearly outlined basis for suspensions and expulsions
- A clear outline of due process procedures and an appeal process
- Provisions to ensure that all rules are enforceable and applied consistently by all staff
- Tiered consequences for infractions
- Consequences, interventions and rewards for behavior

Special Education Requirements:

- All IDEA guidelines must be followed



DISCIPLINE PLANS

Information to be reported:

All expulsions or suspensions over five days must be reported to the PCSB as soon as possible. In addition a report of all suspensions should be submitted monthly. In addition, all “serious incidents” should be reported as soon as possible. “Serious Incidents” can be defined as the following:

- Sexual assault
- Theft/robbery assault/battery
- Fire (Arson or accidental)
- Threat/intimidation
- Weapon use/possession
- Drug use/possession
- Alcohol use/possession
- Trespassing
- Sexual harassment
- Explosive use/possession/or threat of its use
- Any other serious incident that school officials determine should be reported to the Board.

Tips and Reminders when creating a School Discipline Plan

- Student transfers to DCPS or other charter schools are not a viable alternative to taking disciplinary action against a student for violating your school’s discipline policies.
- A transfer cannot be negotiated in lieu of a long-term suspension or expulsion on record.
- The School Principal is responsible for ensuring that due process procedures are followed by all appropriate staff personnel.
- Each school should have impartial members, i.e. hearing officer, to oversee discipline hearings.
- Discipline Plans should be approved by the school’s Board of Directors.

Beginning school year 2011, discipline reports will be submitted by schools to the PCSB through the ProActive Data Management System. (See *Data Collection, Section 3.2 c*).

EXHIBIT F

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

Staff Proposal

- ☐ Charter Application Approval (Full)
- ☐ Charter Application Approval (Conditional)
- ☐ Charter Application Denial
- ☐ Charter Continuance
- ☐ Proposed Revocation
- ☐ Revocation
- ☐ Lift Board Action
- ☐ Board Action, Charter Warning
- ☐ Board Action, Notice of Concern
- ☐ Board Action, Notice of Deficiency
- ☐ Board Action, Notice of Probation
- ☐ Proposed Revisions to PCSB Existing Policy
- ☐ New PCSB Policy—Open for Public Comment
- ☒ New PCSB Policy—Vote
- ☐ Other

School Request

- ☐ Enrollment Ceiling Increase
- ☐ Change in LEA Status
- ☐ Lift Board Action
- ☐ Approve Accountability Plan
- ☐ Operate in a New Location
- ☐ Charter Amendment
- ☐ Approve E-Rate Plan

PREPARED BY: Rashida Kennedy – Equity & Fidelity Team

SUBJECT: Discipline and Attendance Audit Policy

DATE: December 17, 2012

Proposal/Request

PCSB Staff request that the Board vote to accept the proposed Discipline and Attendance Audit Policy. The Board voted to open the proposed policy for public comment on November 19, 2012. During the 28-day public comment period, PCSB received four submissions of public comments (attached to this proposal). This proposal contains a final version of the policy; any changes from the original policy that were included in response to public comment are found in red text. This policy will determine flags that could trigger audits of submitted data. The following cases **could** trigger such audits:

- Data discrepancies in ProActive (all grades)
- Between 0-3% discipline incidences in grades 6-12
- Under 80%, or 100% in-seat attendance rates (all grade spans that have regular Monday through Friday daytime classes)

PCSB staff will take these triggers into consideration when determining if an audit should be conducted. If a trigger does apply to a school, other factors may also be considered, such as whether or not the school has received recent data submission warning notices. In addition, PCSB staff will conduct random audits of discipline and attendance data throughout the school year to ensure data quality.

These audits **could** include the following:

- Comparison of attendance and discipline data between a school's student information system and data in ProActive
- In person audit of a school's attendance and discipline data entry process
- Accurate review of paper documents (if applicable)
- Interviews with a school's data manager or other persons responsible for student data
- Site review

Background

The School Reform Act of 1996, as amended, requires in section § 38-1802.11.(a)(1)(C) – that an eligible chartering authority shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.

In order to monitor schools' academic achievement, the PCSB collects data electronically via our data collection system, ProActive, Epicenter, encrypted files, or other secure methods. As stated in the PCSB Data Submission Policy (May 2012), PCSB staff may conduct on-site data validation visits at any time throughout a school year. Therefore, PCSB expects schools to maintain documentation in paper and/or electronic format pertaining to attendance, enrollment, and discipline.

Date: _____
PCSB Action: _____ Approved _____ Approved with Changes _____ Rejected
Changes to the Original Proposal/Request: _____

