Spectrum Charter School

Board of Trustees Policy 011

RESPONSE AS NON-PARTY TO SUBPOENA, CUSTODY AND/OR PROTECTION FROM ABUSE ORDERS

In situations when the Spectrum Charter School ("Charter School") is not party to a legal proceeding but the Charter School's records custodian or other employee is served with a subpoena to testify and/or produce confidential student records at an administrative, civil or criminal proceeding and/or is requested to comply with a custody and/or protection from abuse order, the Charter School's Board of Trustees ("Board") sets forth the following guidelines:

1) The Charter School records custodian/employee served with any such subpoena or order shall immediately notify the Chief Executive Officer ("CEO") of service of same and in turn, the CEO shall immediately provide legal counsel with a copy of the document at issue in order to enable the Charter School to comply or to object in a timely manner.

2) No student records shall be disclosed by the Charter School nor shall testimony be given without review by legal counsel of the subpoena and/or court order to determine if proper service has been accomplished and that steps have been taken to comply with the Family Educational Rights and Privacy Act ("FERPA"), which provides certain protections to confidential student information.

3) Legal counsel must determine if the subpoena or court order seeks information or testimony unrelated to the proceeding, in order to file a motion to quash or modify, or in the case of testimony, to submit written objections. If counsel determines that there are concerns about whether any/all of the student records should be disclosed, a motion for a protective order may be filed asking the judge to review the records to determine the extent and/or terms of disclosure. Lastly, counsel may advise compliance, but pursuant to FERPA, the Charter School shall first make a reasonable effort to notify the parents/guardians of the student at issue or the student, if eighteen years or older, to obtain written permission to release student records and/or to testify to contents of student records and/or confidential information known by Charter School employee. FERPA also requires the Charter School to keep a record of any student records which it discloses.

4) Generally, the Charter School will be responsible for those student records for which it has "possession, custody or control." "Possession" means actual physical possession and "custody and control" means that the employee served has the right to obtain the records upon request.

5) No confidential student records shall be released in advance of the proceeding unless the parents/guardians or student consent to such disclosure as FERPA requires that such persons shall have the opportunity to first object to such disclosure.

6) Any references to a student in the records at issue, who is unrelated to the subject of the subpoena, shall be redacted before records are produced in compliance with the subpoena.

7) In the case of a court order setting forth terms of custody and/or protection from abuse, the Charter School shall only abide by the terms of the document, if it is signed by a judge and no other conflicting order is already in the student file. In case of conflict, the Charter School shall abide by the court signed order with the most current date.

8) In the absence of an officially signed court order, the Charter School shall assume that both parents have legal custody until/unless either parent presents the Charter School with an order revoking or modifying physical and/or legal custody or a protection from abuse order.

9) In the event that the Charter School is presented with a valid protection from abuse order or order terminating legal custody related to a Charter School student, the Charter School may notify the police in the event that Charter School employees are contacted by the subject of the order regarding the student or in the event the parent/guardian who is the subject of a protection from abuse order comes to and/or on the Charter School facility/grounds.

10) The Parent/Student Handbook shall contain a provision which advises parents/guardians that it is the policy of the Charter School not to accommodate parental requests related to custody/domestic matters absent a validly issued, signed and dated court order or subpoena.

11) A Charter School may not require a custody order or agreement as a condition of enrollment in any circumstances other than:

- If the parent enrolling the child is relying on a court order or custody agreement as the basis for enrolling the child; or
- If the resident is seeking to enroll the child under 24 P.S. §1302(a)(1), which requires "appropriate legal documentation to show dependency or guardianship." However, such order or

agreement cannot be required if a "sworn statement", as set forth in this section of the PA Public School Code is completed and provided to the Charter School.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

ADOPTED this 15th day of September 2026

President

Secretary