

Student Records and Release of Information

The School maintains records of students. The School prohibits the release of personally identifiable information except as is permitted by law or by this policy manual. The Student Record File is available to the student, the Student's Parents/legal guardians, or school officials who have a legitimate purpose for accessing the File.

Access by Parents & Students

The student's parents/guardian, or if the student is eighteen (18) years of age or older, the student himself/herself, may request to:

- *Inspect and Review Education Records.* Records requests are to be made in writing and shall be conducted within forty-five (45) days of the School's receipt of the request.
- *Challenge the accuracy of information contained in the records.* A parent or qualifying student may challenge the content of such student's education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students. The School shall provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data and to insert into such records a written explanation of the parents respecting the content of such records. Should the School decide not to amend the records, the School shall advise the requesting party of their right to a hearing regarding the request for amending the record.
- *Authorizing Release of Written Information.* Records requests by parents/guardians or eligible children are to be made in writing.

Release of Information

The School may release "directory information" as provided under Ohio and Federal law. Directory information includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, date of graduation, sports and activities participated in, degrees; honors and awards received; most recent educational agency or institution attended, and in the case of athletic team members, the height and weight of the student. If the School chooses to release personally identifiable information, then it must provide a proper notice. A student's directory information shall not be released to any person or group for use in a profit-making plan or activity.

The School may release "personally identifiable information" to School Officials having a legitimate educational interest in the information without prior notice or permission. A "School Official" is a person or entity:

1. duly appointed to the Governing Authority;
2. licensed by the state and appointed by the School to an administrative or supervisory position;
3. licensed by the state and under contract to the School as an instructor;

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4. employed by the School as a temporary substitute for administrative, supervisory, or teaching personnel for the period of his/her performance as a substitute; or
5. employed by, or under contract to, the School to perform a special task such as a secretary, a treasurer, School attorney, or auditor for the period of his/her performance as an employee or contractor.

In addition, a "School Official" is a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions (such as a therapist, translator, or approved online/technological service provider) if such official: (1) performs an institutional service or function for which the School would otherwise use employees; (2) is under the direct control of the School with respect to the use and maintenance of education records; and (3) abides by the legal requirements governing the use and redisclosure of personally identifiable information from education records.

School Officials who meet the criteria listed above have access to a student's records if they have a legitimate educational interest in those records. A "legitimate educational interest" is the person's need to know in order to perform:

1. an administrative task required in the school official's job description approved by the School;
2. a supervisory or instructional task directly related to the student's education; or
3. a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

School Officials may obtain access to only those education records in which they have legitimate educational interests. Physical and technological access controls to records shall exist to ensure that access to education records is effective and in compliance with the legitimate educational interest requirement.

The School may release personally identifiable information without prior notice or permission to/for:

- *Officials in Other Schools.* Officials of other schools may have access when the student intends to enroll. Parents must be notified and given an opportunity to challenge the content of the record.
- *State and Federal Officials.* State and federal officials may access a student's record for purposes of audits and law enforcement investigations.
- *Financial Aid.* Persons requesting such records in connection with the student's application for financial aid;
- *Military Recruiters.* Pursuant to Ohio and Federal Law, the School will provide student information of students in grades ten (10) through twelve (12), upon request to any recruiting officer for any branch of the United States armed forces who requests such information. Any data received by a recruiting officer shall be used solely for the purpose of providing information to students regarding military service and shall not be released to any person other than individuals within the recruiting services of the armed forces. The School will provide notice that a student's parent, guardian, or custodian may

request in writing that the School not release the information to military recruiters. Upon receiving such a written notice, the School will not release the student's information.

- *Anti-Terrorism Purposes.* In certain instances, student records may be obtained by an Assistant U.S. Attorney General or higher-ranking federal official.
- *Court Orders or Subpoenas.* Student records may be produced in response to a court order or a lawfully issued subpoena.
- *Missing Children.* Information may be provided to a law enforcement officer when the officer indicates an investigation is ongoing and the student may be or is a missing child, as defined by the Revised Code.
- *Personal Knowledge.* A School Official may release information when it is obtained through the official's personal knowledge or observation and not the education record.
- *Ohio Department of Education Requests.* The School shall provide the Ohio Department of Education (ODE) with student information when (1) a testing company has notified the ODE that the student's written response to a question included threats or descriptions of harm to another person or the student's self and the information is necessary to enable the department to identify the student, (2) the ODE requests information to respond to an appeal from the School on an achievement test, or (3) to determine if the student satisfies alternative conditions for a high school diploma.
- *The School's Sponsor.* The School may provide its Sponsor with access to student or other records if agreed to and required in the School's Charter Contract with its Sponsor.
- *Health & Safety Emergency.* The School may disclose personally identifiable information to necessary parties if knowledge of the information is necessary to protect the health or safety of a student or others. The school must determine and record the articulable and significant threat.

Transfer of Records

The School shall transfer all records to another school upon being notified the student has transferred and the transferring school requests the records files. The transfer shall occur within five (5) days after receiving the request. If the School has no record of the student's attendance, the School shall respond with a statement of that fact within five (5) days after receiving the request.

If, however, there is a debt of two thousand five hundred dollars or more attributable to the student, the School shall withhold transferring the student's records until the debt is paid.

When a request is made for student records by a school enrolling a former student placed in foster care, the School shall transfer these records within one (1) school day of the request from the enrolling school.

Security of Records

To maintain the security and confidentiality of the documents, the School shall require an employee to be present when records are inspected. The School shall also maintain a record log of all persons who access a student's records. The log must identify (1) all individuals and agencies that are granted access and (2) a statement regarding the legitimate interest in obtaining student information. The student log must be signed by employees of the School as well as non-school employees.

Safe at Home Program

If a parent, student, or member of a student's household is a participant in Ohio's Safe at Home or Address Confidentiality program, the student or student's parent must notify the School of the same and provide certification of their participation.

The School shall not include a student's actual or confidential residential address in any student files or records (including electronic records and files) or disclose the student's actual or confidential residential address when releasing student records. The School shall only use the address designated by the Ohio Secretary of State for the participant student for student records, including the release of the same to non-custodial parents, designated school officials who have a legitimate educational interest in the information, and other individuals or organizations as permitted by law. The student's actual or confidential address shall be maintained in a separate confidential file which shall not be accessible to the public or employees without a legitimate purpose.

The School shall use the student's designated address for all communications and correspondence unless instructed otherwise by the parent or adult student.

Disseminating this Policy

In accordance with federal law, parents shall be informed on an annual notice regarding their rights under this policy, state law, and federal law. The form shall specifically state what information is considered "directory information." A parent may object within ten (10) days of the receiving the notice. Upon receiving notice from the parent, the School shall not release such information without obtaining consent. The notice form is provided at **5810.2**.

Ohio: R.C. 3319.321; 3319.324

Federal: 34 C.F.R. 99.3, 20 C.F.R. 1232g (a)(2)(5).

Cross Reference: Policy No. **1741**, Public Records Access Policy; Policy No. **1742**, Internet Public Record Redaction Policy; Policy No. **1743**, Retention, Management, and Disposal of Records; Policy No. **3833**, Tracking Missing Children; Policy No. **3831**, Student Records and Release of Information; Policy No. **5810**, Personnel Records File; Policy No. **3832**, Confidential and Public Records.

Family Educational Rights and Privacy Act (FERPA)
Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, and Ohio Law require the School to protect the privacy of student records.

FERPA affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the School receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend their child's or their education record should write the school principal, clearly identify the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

4. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

Board approved 6-15-2020

Disclosures permitted without consent

While the School generally must obtain your written consent prior to disclosing PII from your child’s education records, the School may disclose appropriately designated “directory information” without written consent, unless you have advised the School otherwise.

The primary purpose of directory information is to allow the School to include directory information from your child’s education records in certain school publications. Examples include: the annual yearbook, Honor roll or other recognition lists, and Graduation programs.

Directory information may be disclosed to outside organizations without a parent’s prior written consent. Directory information shall not be released to any person or entity for a profit-making purpose or activity.

The School has designated the following information (denoted by “X” marks) as directory information:

	Name		Major Field of Study		Honors & awards
	Address		School Related Publications		Weight & Height of Athletic Team Members
	Telephone Number		Grade Level		Enrollment Status
	Email Address		Dates of Attendance		Student Directory
	Photograph		Date of Graduation		yearbook
	Date/Place of Birth		Sports & Activities		Student ID number, user ID, or other unique identifier (excluding a SSN)

If you do not want the School to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by within ten (10) days of receiving this notice. Notice in writing may performed by completing this form.

Additionally, FERPA and Ohio law authorize disclosure of PII in certain instances without consent.

The School may release PII to School Officials having a legitimate educational interest in the information. A “School Official” is a person or entity:

1. duly appointed to the Governing Authority;
2. licensed by the state and appointed by the School to an administrative or supervisory position;
3. licensed by the state and under contract to the School as an instructor;
4. employed by the School as a temporary substitute for administrative, supervisory, or teaching personnel for the period of his/her performance as a substitute; or

5. employed by, or under contract to, the School to perform a special task such as a secretary, a treasurer, School attorney, or auditor for the period of his/her performance as an employee or contractor.

In addition, a "School Official" is a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions (such as a therapist, translator, or approved online/technological service provider) if such official: (1) performs an institutional service or function for which the School would otherwise use employees; (2) is under the direct control of the School with respect to the use and maintenance of education records; and (3) abides by the legal requirements governing the use and redisclosure of personally identifiable information from education records.

School Officials who meet the criteria listed above have access to a student's records if they have a legitimate educational interest in those records. A "legitimate educational interest" is the person's need to know in order to perform: (1) an administrative task required in the school official's job description approved by the School; (2) a supervisory or instructional task directly related to the student's education; or (3) a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

School Officials may obtain access to only those education records in which they have legitimate educational interests. Physical and technological access controls to records shall exist to ensure that access to education records is effective and in compliance with the legitimate educational interest requirement.

- The School may also release PII without parental/student permission under the following circumstances: To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer;
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the Ohio Department of Education, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, as permitted by law;
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by Ohio law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released;

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met;
- To accrediting organizations to carry out their accrediting functions;
- To parents of an eligible student if the student is a dependent for IRS tax purposes;
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met;
- To appropriate officials in connection with a health or safety emergency, as permitted by law;
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with Ohio or tribal law, for the care and protection of the student in foster care placement; and
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.

The School must disclose each the name, address, and telephone listing of students age 18 or older to the U.S. military upon request for recruitment purposes, unless the parent or eligible student notifies the School in writing that such information may not be released.

Note: this form should only be completed if you want to opt out of the School's Directory Information. If you wish for the School to include your child's directory information, do not complete and return this form.

I, _____ (parent's name) do not want my student's directory information used without my permission.

Name of Student: _____ Date: _____

Parent/Guardian Signature: _____