

## **STUDENT RECORDS**

The educational interests of the student require the collection, retention, and use of information about individual students. At the same time, the student's right of privacy and other rights mandate careful custodianship and limitations on access to student records.

The Board of Directors is responsible for the records of all students who attend or have attended this School. Only records mandated by the state or federal government and necessary and relevant to the function of the School or specifically permitted by this Board may be compiled by School employees.

### **I. DEFINITIONS**

- A. "Education Records" means those records, files, documents and other materials, subject to the exceptions listed hereinafter, which contain information directly related to a student and are maintained by the School or by a party acting for the School. Education records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of such personnel, are used only as a personal memory aide, and are unavailable to any other person except a substitute.
- B. "Personally identifiable information" includes, but is not limited to, the name and address of the student or student's family members; a personal identifier, such as social security number, student number, or biometric record; an indirect identifier, such as date of birth, place of birth, or mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or information requested by a person who the School reasonably believes knows the identity of the student to whom the education record relates.
- C. "School officials and personnel" are persons employed by the School as administrators, supervisors, instructors, or support staff members (including health or medical staff and law enforcement unit personnel), and persons serving on the School's Board of Directors. School officials and personnel may also include contractors (for example, an attorney or auditor), consultants (for example, a medical consultant or therapist), volunteers, or other parties who perform a school service or function, are under the direct control of the Board, an administrator, or a teacher, and are subject to the nondisclosure requirements of this policy.

## II. GENERAL PRINCIPLES

The School maintains student education records necessary for the discharge of its educational responsibilities and in satisfaction of local, state and federal requirements. Student education records are and shall remain the property of the School, are intended primarily for the internal use of the School, and are confidential.

In all cases, permitted, narrative information in student records shall be objectively based on the personal observation or knowledge of the originator.

The Executive Director shall be the custodian of all student education records; provided, however, that the building principal or his/her designee shall be responsible for record maintenance and access within his/her building.

Personally identifiable information from student education records shall be disclosed only to parents of students, students, designated school officials and personnel who have a legitimate educational interest in the information and to those persons otherwise permitted by law. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. A noncustodial parent shall have the same right of access to his/her child's records as a custodial parent, except where access is limited by an agreement between the parents or by a court order. In the case of adult students (18 years and older), parents may be allowed access to records without student consent, provided the student is considered a dependent under section 152 of the Internal Revenue Service Code, or in a health or safety emergency. Students and their parents and guardians have a continuing duty to inform the custodian of any changes in education records.

The Board authorizes the administration to:

- A. forward education records on request to a school in which a student of this School seeks or intends to enroll, or a school in the resident School for the student. During the course of transferring a student's record to an educational institution for legitimate educational purposes, the School shall not alter, truncate, or redact any part of a student's record so that any information on the student's record is rendered unreadable or unintelligible;
- B. disclose personally identifiable information to appropriate parties as permitted by federal regulations and state laws;

- C. enter into written agreements pursuant to the requirements set forth in federal regulations with organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction;
- D. enter into written agreements pursuant to the requirements of federal regulations with the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education, or the Ohio State Board of Directors for the purpose of carrying out an audit or evaluation or to comply with federal legal requirements, and to use reasonable methods, as appropriate, to ensure to the greatest extent possible that personally identifiable information is used only to carry out an audit or evaluation, or for enforcement or compliance with federal legal requirements, to protect personally identifiable information from unauthorized uses, and to provide for the destruction of personally identifiable information when no longer needed for these purposes; and
- E. inform each person or party requesting access to a student's record of their duty to abide by federal regulations and state laws concerning the disclosure of information.

The School shall maintain a record of those persons to whom information about a student has been disclosed. The record of disclosure shall be maintained as long as the educational record is maintained. Such disclosure records will indicate the student, person requesting or viewing the record, information disclosed, the date of disclosure, the legitimate interest the party had in requesting or obtaining the information, and, in a health or safety emergency, a description of the threat to the health or safety of a student or other individuals that formed the basis for determining that an emergency existed. The School shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom personally identifiable information is disclosed.

Parents or adult students shall have the right to inspect and review official student records and related information upon written request to the principal of the building to which the student is assigned. An appointment for the review of the records will be made at a mutually convenient time as soon after the receipt of the written request as possible but in all cases within forty-five (45) days of the receipt of the written request. The review will be conducted in a private setting in the presence of the principal or designated representative.

Copies of the records will be provided upon request at the parent's or eligible student's expense. No material may be removed, modified, or added to the file except in accordance with current procedures or as a result of a hearing as described below.

Only “directory information” regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is eighteen (18) years of age or older, the written consent of the student, except those persons or parties stipulated by the School’s policy and/or those permitted access by the law. Whenever parental consent is required for the inspection and/or release of a student’s health or educational records or for the release of directory information, either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Executive Director shall appoint a person who has no conflicting interest to provide such written consent.

### III. DIRECTORY INFORMATION

Each year the School will provide public notice to students and their parents of its intent to make available, upon request, certain information known as “directory information.” The Board designates as student “directory information”: a student’s name; city of residency; photograph; major field of study; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; grade level; date of graduation; degrees, honors and awards received. Directory information does not include a student’s Social Security number or the student’s identification number, user identification, or other unique personal identifier, unless the identifier cannot be used to gain access to education records except when used in conjunction with authenticating information.

Parents and adult students may refuse to allow the School to disclose any or all of such “directory information” upon written notification to the School within twenty (20) days after receipt of the School’s notice. The School will not release directory information that alone or in combination can be used as personally identifiable information to identify a student.

The School shall release the names, phone numbers and addresses of students in grades nine through twelve (9-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education that requests such information. Such data shall not be released if the adult student or student’s parent submits a written request not to release such information. The notice to parents or eligible students shall inform the parent or eligible student that they have a right to prohibit all or a portion of the information to be released. The recruiting officer is to sign a form indicating that “any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces.” The Executive Director is authorized to charge mailing fees for providing this information to a recruiting officer.

Notwithstanding the provisions set out above, no person shall release or permit access to the names or other personally identifiable information concerning any students attending a public school to any person or group for use in a profit making plan or activity.

The School may disclose “directory information” on former students without student or parental consent.

#### IV. NOTIFICATION OF RIGHTS UNDER FERPA

The Executive Director annually shall provide notice to students and parents to ensure they are adequately informed regarding their rights to:

- A. inspect and review the student’s education records;
- B. request amendments if the parent or adult student believes the record is inaccurate, misleading, or otherwise in violation of the student’s rights;
- C. consent to disclosures of personally identifiable information contained in the student’s education records, except to those disclosures allowed by the law;
- D. challenge School noncompliance with a parent’s request to amend the records through a hearing;
- E. file a complaint with the Department of Education; and
- F. obtain a copy of the School’s policy and administrative guidelines on student records.

#### V. PROCEDURE TO CHALLENGE OR AMEND STUDENT RECORDS

The parent of a student or an eligible student who believes that information contained in the educational records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request in writing that the records be amended.

The principal shall notify the parent or eligible student of the decision relative to the request and if the request is denied, the principal shall advise the parent or eligible student of the right to appeal the decision to the Executive Director.

Parents or adult students shall have an opportunity for a hearing to challenge the contents of the student’s education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein. Such hearings shall be requested in writing of the Executive Director.

Such a hearing will be held within a reasonable time after receipt of the written request for the hearing but in no event later than forty-five (45) days following the date of receipt. The parties shall receive notice of the time and place of the hearing. The hearing will be conducted by the Executive Director or a designated hearing officer.

The hearings shall be conducted informally and the parent will be afforded the opportunity to present data, evidence, and opinions in support of his/her position and may be assisted or represented by individuals of his/her choice at the parent's expense. For the purpose of the hearing, copies of the student record in question will be provided the parent at the parent's expense.

The hearing officer shall have the right to summon such school personnel as may be necessary to provide information and data to arrive at a fair and impartial decision in the matters at question. The findings of the hearing officer shall be reduced to writing and forwarded to the parties involved within ten (10) school days following the conclusion of the hearing. The ruling shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

If the decision is that the record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the hearing officer shall inform the parent or adult student of the right to place in the educational records of the student a statement commenting upon the information and/or setting forth any reasons for disagreeing with the decision. Such statements shall be maintained as part of the educational records as long as the record or contested portion thereof is maintained by the school.

## VI. MAINTENANCE OF RECORDS

The School is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

The Board directs the Executive Director to implement and maintain a reasonable method, consisting of physical controls, technological controls, or administrative policies, to limit access by school officials to those education records in which they have a legitimate educational interest.

No liability shall attach to any member, officer, or employee of this School specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

LEGAL REFS: O.R.C. §§3319.321; 3319.323  
34 C.F.R. 99.1 et seq.

Adopted: April 28, 2017