

## 294 Student Records and Release of Information

### Parents and Eligible Students

For the purposes of this section, “eligible students” shall include any student who is at least eighteen (18) years of age or an emancipated minor. Parents and eligible students shall receive annual notice of their rights under this section.

Parents and eligible students have the right to inspect and review the student’s education records within forty-five (45) days of the receipt of a request for access to such records. Such request must be in writing and the school shall make arrangements for access to such records and shall notify the parent or eligible student of the time and place where such records may be inspected.

Parents and eligible students have the right to request in writing an amendment of a record that they believe is inaccurate. In the event the school determines that the requested amendment will not be made, the parent or eligible student shall be informed of the reasons for such decision in writing and the school shall advise the parent or eligible student of their right to a hearing regarding the request for amendment.

### Release of Directory Information

The School may disclose directory information if it has given public notice to parents or students of the types of personally identifiable information that the School has designated as directory information.

Accordingly, the School shall choose one of the options as indicated:

- ⓐ (1) The School may choose not to identify or define any directory information. If the School so chooses, then it will not issue any personally identifiable information and will not be able to provide directory information in response to records requests or inquiries made by third parties.
- ⓑ (2) The School may choose to issue a directory information designation notice to its students or their parents in order to designate personally identifiable student information as directory information. If the School so chooses, the School shall not permit the release of education records or personally identifiable information, other than directory information, without the written consent of a parent.

The School shall provide annual notice to parents and eligible students regarding their rights under FERPA and also whether the school will make available, upon request, “directory information.” Directory information may (but does not have to) include a student’s name, address, telephone listing, date and place of birth, photograph, major field of study, participation in officially recognized activities and sports, dates of attendance, date of graduation, awards received, honor rolls, and scholarships. In its notice, the School shall clearly specify which of the above information it designates as directory information. Such information shall not be provided to any organization for profit-making purposes. Within ten (10) days of receiving notice of the intent to disclose

directory information, a parent or eligible student may object to the release of such

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information without prior written consent, upon notification of which the school shall not release directory information without first obtaining such consent.

See Appendix 294-A Notice of Rights Under the Family Educational Rights and Privacy Act ("FERPA") and Authorization to Release Student Directory Information.

Exceptions to the released personally identifiable information are allowed in the following circumstances:

1. to school officials who have a legitimate educational interest.

A "School Official" is a person employed by the School in an administrative, supervisory, academic or support staff position; a member of the school law enforcement unit, which consists of \_\_\_\_\_; a person with whom the School has contracted to perform a special task (i.e. Attorney, auditor, outside consultant); a person serving on the Board.

A School Official has a "legitimate educational interest" in an education record when the official needs to review the record in order to fulfill his or her responsibility on behalf of the School, such as when the official is performing a task that is specified in his or her job description or by a contract agreement or other official appointment; performing a task related to a student's education; performing a task related to the discipline of a student; or providing a service or benefit relating to the student or student's family, such as health care, counseling, assisting with the college application procedure; any other purpose that the Board deems necessary as related to a student's education.

2. to officials of other schools or school systems in which the student seeks or intends to enroll, upon the condition that the student's parents be notified of the transfer, receive a copy if desired and have an opportunity for a hearing to challenge the content of the record.
3. to appropriate parties in connection with an emergency if such knowledge is necessary to protect the health and safety of the student or other individuals. This exception is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education record.
4. when images of students captured on security video tapes are maintained by the school's law enforcement unit;
5. when information is obtained through a school official's personal knowledge or observation and not from the student's education record. For example, if a teacher overhears a student making threatening remarks to other students, that

information is not protected and the teacher may disclose what he or she overheard to appropriate authorities.

The School shall provide the Ohio Department of Education (“ODE”) with personally identifiable student information under the following circumstances:

1. A testing scoring company has notified ODE that the student’s written response to a question on a state achievement test included threats or descriptions of harm to the student or another person and ODE needs the information to identify the student for the purpose of alerting the School of the potential for harm;
2. The School asks ODE to verify the accuracy of the student’s score on an achievement test; or
3. The student has passed all but one of the Ohio Graduation Tests (OGT) and ODE must determine whether the student satisfies the alternative requirements for a high school diploma.

If agreed to in and required by its Charter Contract with its Sponsor, the School may provide its Sponsor, as an authorized representative of the Ohio Department of Education, with access to student or other records if necessary and in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of the federal legal requirements which relate to such programs. When collection of personally identifiable information is specifically authorized by federal law, no such data shall be disclosed to anyone other than authorized representative of the Ohio Department of Education, or as otherwise allowed by law. The Sponsor must, by law, destroy such personally identifiable information when no longer needed for the audit, evaluation, and enforcement of the federal legal requirements.

#### Student Records Log

School officials maintaining records shall keep a log identifying all individuals (whether from the school or not), agencies or organizations, who request or obtain access to non-directory information within a student’s education record. The log shall contain the reason why access was requested and shall be kept by the person responsible for maintaining the records. All student records must be reviewed on the School premises.

#### Health and Safety Emergency Exception

The School may, taking into account the totality of the circumstances, disclose personally identifiable information from an education record to appropriate parties in connection with an emergency, 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, and it then may disclose information from education records to any person whose knowledge is necessary to protect these individuals.

20 U.S.C. § 1232g; R.C. 3319.321; R.C. 3301.0716

See Appendix 294-A Notification of Rights Under the Family Educational Rights and Privacy Act (“FERPA”) and Authorization to Release Student Directory Information, and

Appendix 294-B Request and Consent for Release of Records.

See also Appendix 242.1-A Standards for the Ethical Use of Tests.