

## **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 Education is responsible for the records of all students who attend or have attended this District. Only records mandated by the state or federal government and necessary and relevant to the function of the District or specifically permitted by this Board may be compiled by District 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 District or by a party acting for the District. 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 District reasonably believes knows the identity of the student to whom the education record relates.
- C. “School officials and personnel” are persons employed by the District as administrators, supervisors, instructors, or support staff members (including health or medical staff and law enforcement unit personnel), and persons serving on the District’s Board of Education. 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 District 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 District, are intended primarily for the internal use of the District, 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 Superintendent 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 District seeks or intends to enroll, or a school in the resident district for the student. During the course of transferring a student's record to an educational institution for legitimate educational purposes, the District 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 Education 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 District 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 District 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, when required by law, 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 District’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 Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

Pursuant to Ohio's Student Privacy Act, R.C. 3319.321, the District shall not release, or permit access to, personally identifiable information, other than directory information, concerning any former adult student following such person's death, without the prior written consent of such person.

### III. DIRECTORY INFORMATION

Each year the District 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; address; telephone number; date and place of birth; photograph; major field of study; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance at the District; grade level; date of graduation; degrees, honors and awards received; most previous educational agency or institution attended by the student; e-mail address or any other information which would not generally be considered harmful or an invasion of privacy, if disclosed. 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 District to disclose any or all of such "directory information" upon written notification to the District within twenty (20) days after receipt of the District's notice. The District will not release directory information that alone or in combination can be used as personally identifiable information to identify a student.

The District 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 Superintendent 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 District may disclose "directory information" on former students without student or parental consent.

#### IV. NOTIFICATION OF RIGHTS UNDER FERPA

The Superintendent 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 District 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 District'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 Superintendent.

Parents or adult students shall have an opportunity for a hearing to challenge the contents of the student's education records to insure 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 Superintendent.

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 Superintendent 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 District 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 Superintendent 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 District 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: September 20, 2011  
Revised: September 18, 2012  
Revised: September 17, 2015  
Revised: September 18, 2018  
Revised: June 30, 2020

**NOTIFICATION OF RIGHTS UNDER THE  
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights include:

- 1. The right to inspect and review the student’s education records within 45 days after the day the District receives a request for access.** Parents or eligible students should submit to the building principal a written request that identifies the record(s) 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 District to amend a record should write the building principal, clearly identify the part of the record they want changed, and specify why it should be changed.

If the District decides not to amend the record as requested by the parent or eligible student, the District 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 provide written consent before the school discloses personally identifiable information from the student’s education records, except to the extent FERPA authorizes disclosure without consent.** One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including, but not limited to, health, medical, and law enforcement personnel) or a person serving on the District’s Board of Education. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records, such as attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.

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 responsibility. Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.** The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-4605

**NOTICE OF DESIGNATION OF DIRECTORY INFORMATION**

TO: Parents/Guardians  
FROM: \_\_\_\_\_, Superintendent  
DATE: September \_\_\_\_\_, 20\_\_

The Family Educational Rights and Privacy Act (FERPA) requires each school district to provide parents and eligible students annual notification of the types of personally identifiable information that the school district has designated as directory information. The Fairview Park City School District has designated the following information regarding students as directory information:

- Name
- Address
- Telephone Number
- Electronic Mail Address
- Photograph
- Date and Place of Birth
- Major Field of Study
- Dates of Attendance
- Grade Level
- Participation in Officially Recognized Activities and Sports
- Weight and Height of Members of Athletic Teams
- Date of Graduation
- Degrees, Honors, and Awards Received
- The Most Recent Educational Agency or Institution Attended
- Any Other Information that would not Generally be Considered Harmful or an Invasion of Privacy if Disclosed

Directory information may be disclosed by the District for any lawful purpose in its discretion, without the consent of a parent of a student or an adult student, i.e., for publication in the local newspaper of the honor roll or information about student athletes; including such information in a student directory; or displaying such information on the District’s website.

The District will also release the name, address, and telephone number of a secondary student to military recruiters and institutions of higher education that request the information unless the parent or student direct the District not to release the information. You are permitted to prohibit the release of all of the information, or to only permit a portion of the information to be released.

\*\*\*Parents of students and adult students have the right, however, to refuse to permit the disclosure of any or all of the above information to third parties. Therefore, if you sign and return the “Refusal to Release Directory Information” form for your child, the District is not permitted to give out the directory information listed above, except where the school system is permitted by law to do so. This means that the School District cannot give information, without your written, dated and signed consent, about your child to any of the following or place information regarding your child on or in any of the following\*:

- |                         |                   |
|-------------------------|-------------------|
| newspaper               | athletic programs |
| yearbook                | team pictures     |
| school website          | club pictures     |
| perfect attendance list | class T-shirts    |

- |                                |   |
|--------------------------------|---|
| athletic rosters               | parents' night                              |
| music programs                 | graduation program                          |
| building student directories   | play programs                               |
| elementary class pictures      | scholarship information                     |
| student recommendation letters | student awards (month, subject area)        |
| bus routes                     | honor roll lists                            |
| class lists on school doors    | student projects on display in the building |
| web page                       | birthdays posted with student names         |
| awards                         | class picture                               |
| yearbook                       | Valentine's Day cards                       |
| invitations                    | Boy/Girl Scouts                             |

\*Please note that the above list cites examples and is not all inclusive.\*\*\*

Any parent or adult student refusing to have any or all of the designated directory information disclosed must provide written notification to this effect by filling out the form below and returning it to your child's building principal, on or before October 1 of this school year.

In the event a refusal is not filed, the District will deem that neither the parent of a student nor an adult student objects to the release of the directory information designated.

\* \* \* \* \*

DIRECTORY INFORMATION

Child's Name: \_\_\_\_\_  
(please print)

Parent Name: \_\_\_\_\_  
(please print)

Parent Signature: \_\_\_\_\_

Date: \_\_\_\_\_ School: \_\_\_\_\_

A.  I refuse to permit the District to disclose any directory information regarding the above-listed student without my prior consent, except as otherwise permitted by federal and state law. **[If this box is marked, no other boxes on this form need to be marked.]**

B.  The District may disclose only certain types of directory information about my child. (For example, you can permit the District to disclose all types of directory information except for your phone number, or you could permit the District to just disclose your child's name.) Please specify your wishes below.

\_\_\_\_\_  
\_\_\_\_\_

C.  The District may only release the following types of directory information to the following person(s) for the following reasons. (For example, you can permit the District to disclose directory information only to the newspaper for publication of the honor roll. Or, you could choose to permit the District to release all types of directory information as permitted by law, except on the District’s web site.) Please specify your wishes below.

Person to whom directory information  
can be disclosed:

Reason for Release:

_____	_____
_____	_____
_____	_____

D.  The District is not permitted to release the following information to a military recruiter or institution of higher education (check 1, 2, or all):

- Student’s Name
- Student’s Address
- Student’s Telephone Number

Please return this form by October 1, so we can best carry out your wishes with respect to the disclosure of directory information about your child.

If you have any questions regarding this, call the building principal.

**RETURN THIS FORM TO YOUR BUILDING PRINCIPAL**

***\*\* Note: Do not return this form if you give permission for the release of directory information.***