

6.20 ADMINISTRATION OF STUDENT RECORDS

The Franklin Local School District Board of Education recognizes each student's right to privacy. To this end, student records and information shall be maintained in a manner which will protect this privacy.

"Education Records" means those records, files, documents and other materials, subject to the exceptions listed hereinafter, which contain information directly related to a pupil and are maintained by the District or a school within the District, or **by** an employee of 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 and unavailable to any other person except a substitute. Records maintained after an individual is no longer a student in attendance that are not directly related to the individual's attendance are not education records.

The Franklin Local School District maintains pupil education records necessary for the discharge of its educational responsibilities and in satisfaction of local, state and federal requirements. Pupil education records are and shall remain the property of the District, are intended primarily for the internal use of the District, and are confidential. No records shall be kept which reflect the political, religious, or other private activities or beliefs of pupils. Student records shall contain only the data required by appropriate state administrative regulations, such data and information as are needed to enhance the student's education, and such data needed for appropriate educational programming.

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

Pupils and their parents and guardians have a continuing duty to inform the custodian of any changes in education records.

Disclosure of Student Records

Student education records and related information shall be held to be private. No disclosure, release, transfer or other communication of such records and related information shall be permitted orally, in writing, by electronic means or by any other means except as outlined below.

1. Any employee of the Board of Education and the school health personnel assigned to the schools may have access to a student's record to the extent necessary to carry out the school's educational function or to aid and assist the individual student within the educational setting. Approved contractors, consultants, volunteers or other parties to whom the District has outsourced services or functions may have access to records as needed for the specific task or tasks assigned upon approval of the principal and under the supervision of a professional staff member.
2. Information may be released to other schools or school systems in which the student intends to enroll when the records have been requested by the school or school system.
3. Certain federal, state, and local officials may have access to student information as provided by law or administrative regulations. All such requests shall be referred to the Superintendent.
4. Information may be released in connection with a student's application for or receipt of financial aid.
5. Information may be released to 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. All such requests shall be referred to the Superintendent and must be subject to a written agreement.
6. Necessary data will be released to accrediting agencies in order to carry out their accrediting functions.
7. Information will be released to parents of dependent students as defined in the Internal Revenue Code.
8. Student records and related information will be released in compliance with judicial order or pursuant to any lawfully issued subpoena.
9. Access to a student's records will be provided to a law enforcement officer who indicates that he is conducting an investigation and that the student is or may be a missing child. Free copies of information in the student's records will be provided to the law enforcement officer only if prior approval has been given by the student's parent, guardian, or legal custodian. Information obtained by the officer shall be used solely in the investigation of the case.

10. Information may be released to appropriate parties in a health or safety emergency to the extent necessary to protect the health or safety of the student involved or other individuals. Any release shall take into account the totality of the circumstances pertaining to such a threat. The District must record the articulable and significant threat that formed the basis for the disclosure, and the parties to whom the information was disclosed.

11. "Directory Information" may be made available as appropriate provided that a public notice of the release has been given. No restriction shall be imposed on the release of directory information to representatives of the armed forces, business, industry, charitable institutions, other employers, and institutions of higher education unless such restriction is uniformly applied. The parent, student or graduate shall have the right to refuse to permit the disclosure of any or all of such information by notifying the Superintendent or designee of such a desire in writing. "Directory Information" includes a pupil's name, address, telephone listing, date of birth, major field of study, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, date of graduation, and awards received.

The Board of Education shall annually give notice of the categories of information that it has designated as directory information with regard to each student attending the Franklin Local School District and allow a reasonable period of time after such notice has been given for a parent or adult student to inform the Board that any or all of the information designated should not be released without the prior consent of the parent or adult student.

12. The names and addresses of students in grades ten (10) through twelve (12) shall be released to a recruiting officer for any branch of the United States armed forces who requests such information, except that the information shall not be released if the student or student's parent, guardian, or custodian submits to the Superintendent a written request not to release the information. Any information 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.

13. Except as outlined above, no student records or related information shall be released to any individual, group, organization, or agency, except with the written consent of the student's parent, guardian, or custodian, which shall include a specification of the records to be released, the reason for such a release and to whom they are to be released. If desired the student's parents may request a copy of the records to be released.

14. Except as provided in paragraphs 1., 7., 10., and 11., all persons, agencies and organizations desiring access to the records of a student shall be required to sign a written form which shall be a record of disclosure kept permanently with the file of the student indicating specifically the legitimate educational or other interest that each person, agency, or organization has in seeking this information. Such forms shall be held for inspection only by the parents or student or appropriate school officials.

15. Student records and related information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information and such records may only be used for such purposes for which disclosure was made without the written consent of the parents or the student if above the age of majority.

A reasonable attempt will be made to notify parents and eligible students of requests for the transfer of student records in the following circumstances. Copies of the records being transferred will be provided at the parent's or eligible student's request.

1. Transfer of student records to officials of other schools or school systems in which the student intends to enroll.

2. Release of student records in compliance with a judicial order or pursuant to any lawfully issued subpoena, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the district is not required.

Inspection and Review of Student Records

Parents or eligible 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. Other school personnel as may be desirable for interpretation of information will be made available at that time or at another convenient time. School personnel will respond to reasonable requests for explanations and interpretations of the records. 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.

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 review the request and decide whether to amend the educational records of the student in accordance with the request within five (5) school days of the receipt of the request.

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 eligible students shall have an opportunity for a hearing to challenge the contents of their child's school 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 hearing 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 eligible 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.

Consent for the Release of Student Records

Any parent of a student may give the written parental consent required under this policy. Where parents are separated or divorced, the required written parental consent may be obtained from either parent, subject to any agreement between the parents or court order. In the case of a student whose legal guardian is in an institution, a person independent of the institution who has no other conflicting interests shall be appointed by the board of education of the school district in which the institution is located to give the required parental consent.

A parent of a student who is not the residential parent, shall, upon request, be permitted access to any records or information concerning the student upon the same terms and conditions under which access is available to the residential parent, subject to any agreement between the parents, this policy, or any court order governing the rights of the parents.

Whenever a student reaches the age of eighteen (18) or becomes legally emancipated or is attending an institution of post secondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

Copies

The cost of records provided upon the request of parents or eligible students shall not exceed the actual cost of reproduction.

Prohibited Releases of Student Records

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

Notwithstanding the provisions set out above, no person shall release to any person, or permit any person to have access to, any information about the location of any elementary or secondary school to which a pupil has transferred, if the elementary or secondary school to which the pupil has transferred and that requested the records of the pupil informs the elementary or secondary school from which the pupil's records are obtained that the pupil is under the care of a shelter for victims of domestic violence as defined in O.R.C. §3113.33.

The principal or Superintendent, or any employee who is authorized to handle school records, shall comply with any order issued pursuant to O.R.C. §2151.14(0)(1), any request for records that is properly made pursuant to O.R.C. §2151.14(D)(3)(a) or 2151.141(A), and any determination made by a court pursuant to O.R.C. §§2151.14(D)(3)(b) or 2151.141(8)(1).

Notwithstanding the provisions set out above, a principal, to the extent permitted by the Family Educational Rights and Privacy Act of 1974, shall make the report required in O.R.C. §3319.45 that a pupil committed any violation listed in O.R.C. §3313.662(A) on property owned or controlled by, or at any activity held under the auspices of, the Board of Education regardless of whether the pupil was sixteen (16) years of age or older. The principal is not required to obtain the consent of the pupil who is the subject of the report or the consent of his/her parent, guardian, or custodian before making a report pursuant to O.R.C. §3319.45.

Annual Notice

The Superintendent or designee shall annually provide notice to parents and eligible students to ensure that they are adequately informed regarding their rights to:

Inspect and review the student's education record;

Request amendments if the parents or adult student believes the record is inaccurate, misleading, or otherwise in violation of the privacy rights of the student;

Consent to disclosures of personally identifiable information contained in the student's education records, except to those disclosures allowed by law; and

4. File a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of the Family Educational Rights and Privacy Act.

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 of the District's receipt of 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. Parents or eligible students may ask the Franklin Local School District ("the District") to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's privacy rights. They should write the building principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or otherwise in violation of the student's privacy rights.

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 advise them of their right to a hearing regarding the request for an 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 consent to disclosures of personally identifiable information contained in 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); a person serving on the District's Board of Education; an approved contractor, consultant, volunteer or other party to whom the District has outsourced services or functions (such as an attorney, auditor, consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee or 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.

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 Franklin Local School District has designated the following information regarding students as directory information:

Name

Address

Telephone Number

Date of Birth

Major Field of Study

Dates of Attendance

Grade Level

Enrollment Status

Participation in Officially Recognized Activities and Sports

Weight and Height of Members of Athletic Teams

Date of Graduation
Graduate's Picture and Name

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

web page graduate's picture and name

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

Reason for Release:

can be disclosed:

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.

Revised 3/2012
Revised 8/2013
Revised 11/2018