

## Student Records Policy

To provide appropriate educational services and programming, ODLs must collect, retain and use information about individual students. To safeguard students' privacy, ODLs restricts access to students' personally identifiable information.

Student records shall be available only to students, and their parents, eligible students, designated school officials, and designated school personnel, who have a legitimate educational interest in the information, and to other individuals or organizations as permitted by law. The term "parents" includes legal guardian, Learning Coach or other persons standing in loco parents (such as grandparents or stepparents with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older, or a student of any age who is enrolled in a postsecondary institution. Parents requesting records access to their student's records, if the student is over age 18, must request permission. For further information, the parent may contact the Records Department at ODLs at [ODLSoffice@OHDLs.org](mailto:ODLSoffice@OHDLs.org). Student will become an "eligible student" upon their 18<sup>th</sup> birthday and will afford all rights to their school records at that time. When a student turns 18, the rights to access records will transfer from the parent to the student.

Both parents shall have equal access to the student's academic records unless stipulated otherwise by court order or law. Parents of eligible students may be allowed access to the student's records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

"Legitimate education interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one or more of the educational goals of the School" or if the record is necessary for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family.

The Family Educational Rights and Privacy Act (FERPA) affords parents and 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 of the School receives a request for access. Parents or eligible students should submit to the Head of School a written request that identifies the record(s) they wish to inspect. The Head of School will arrange 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 an amendment of the student's education records that the parent or eligible student believes is inaccurate. Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the Head of School clearly identifying the part of the record they want changed and specify why it is inaccurate. 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 advise them 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 consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement until personnel); a person serving on the Governing Board; a person or company with whom the School has contracted to perform a special task (such as an administration, attorney, auditor, medical 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 an education record to fulfill his or her professional responsibility. Upon request, the School may disclose education records without consent to officials or another school district in which a student seeks or intends to enroll. ODLS will make a reasonable attempt to notify the parent or student of the records requested unless it states in its annual notification that intends to forward records on request.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by ODLS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

The Board of Directors hereby authorizes the administration to:

1. Provide "personally-identifiable" information 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;
2. Request each person or party requesting access to a student's record to abide by federal and state laws concerning the disclosure of such information;
3. Report a crime committed by a child with a disability to appropriate authorities and to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
4. Forward student records, including disciplinary records with respect to any current suspension and expulsion, upon request to a private or public school or school.

The following are required communications that must be maintained by parents:

- Personal Information (FERPA)
- The Head of School, who may delegate certain responsibilities to the school administrative assistant or other administrators, is responsible for maintaining the personal information systems utilized by ODLS. Specifically, the Head of School is responsible for maintaining confidentiality of directory information, if the parents have requested, and other information in a student's educational record. If

requested, your student's directory information will be shared unless you have chosen to Opt Out of the ODLS Directory.

- All ODLS personnel and administrators who collect, maintain, use, or otherwise have access to student records must maintain such records in the manner prescribed by law and/or by ODLS and its Board of Directors.
- The Head of School or designee shall prepare an annual notice to parents/eligible students which shall inform them of their rights to (1) inspect and review the student's educational records; (2) request an amendment to the records if appropriate; (3) limit disclosure of personally identifiable information defined as directory information; (4) request a hearing if ODLS refuses to amend records believed to be misleading or inaccurate and to file a complaint with the Department of Education if dissatisfied with the results of the hearing; and (5) obtain a copy of ODLS's policy on student records. The notice may be found online and/or placed in the student handbook.
- The Head of School or designee shall maintain and post a current listing of employees and other persons who are authorized to access personally-identifiable information and provide public inspection of such listing. In addition, the Head of School shall prepare a listing of the types and locations of records collected, maintained or used by ODLS. This list shall be provided to parents/eligible students upon request.
- The Head of School or designee shall obtain written and detailed consent from parents/eligible students prior to disclosure of student records. Such consent shall consist of the records that may be disclosed, the purpose for which disclosure may be made, to whom disclosure may be made, and whether the parent/eligible student wishes to have a copy of the records disclosed. Prior consent will not be required if Board policy allows for disclosure without consent.
- Parents: Disclosure, Inspection, Review of Records
- The Head of School shall permit parents/eligible students, upon request, to retrieve information from and to inspect and review, records relating to the student's education and maintained by ODLS. The Head of School may place certain conditions on such access consistent with applicable laws, regulations and school policies.
- Third Party: Disclosure, Inspection/Review, and/or Copies of Records
- When authorized, the Head of School shall permit inspection and review of a student's educational records, disclose specified information, or provide copies of educational records only after the requesting party has agreed not to share the information with a third party unless the parents/eligible students have so consented or the circumstances meet the requirements of the Federal regulations on third-party disclosure.
- Amendment of Records
- The Head of School shall provide parents/eligible students with the opportunity to amend records when they believe that any of the information regarding their student is inaccurate, misleading, or violates the student's privacy. Upon receipt of a written request to amend records, the Head of School shall determine whether

such record shall be amended and inform the parents/eligible student of such decision and their right to a hearing. If a hearing is requested, the President of the Board of Directors shall select a hearing officer, who may be an official with the school who does not have a direct interest in the outcome of the hearing. The hearing officer shall arrange a hearing within ten (10) business days at a mutually agreed time and place. The hearing officer shall inform the parents/eligible students that they may present evidence relevant to the issues and may be assisted or represented by individuals of their choice, including an attorney, at their own expense. The hearing officer shall be responsible for maintaining the student's records during the appeal process so that no information is lost or destroyed. Within ten (10) business days following the conclusion of the hearing, the hearing officer shall provide a summary and findings to the President of the Board or designee. Based upon a review of this report, the President of the Board or designee shall send a letter, within ten (10) business days, to the parent/eligible student stating the decision and justification of the decision. If the parent/eligible student disagrees with the decision, they may submit a statement explaining why they disagree with the decision which shall be maintained with the contested record. If an amendment is made, then the Head of School shall send written confirmation that the amendments have taken place.

- Emergency Release
- The Head of School may release any personally-identifiable information (without parent/eligible students consent) to appropriate parties in connection with a health/safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- Upon receipt of a request for emergency information, the Head of School shall ascertain whether the request constitutes a health or safety emergency and, if so, provide the requested information immediately.
- Transfer of Records to Other Public and Private Schools and School Districts
- Student records, including disciplinary records regarding any current suspensions and expulsions, must be transferred within fourteen (14) days of request. Records shall not be withheld by the school for a student's failure to pay any fees, fines, or charges imposed by ODLS.
- The Head of School shall transfer a student's records to another school when a written request by the private or public school or school district in which the student is enrolled, seeks or intends to enroll, or is instructed to enroll, on a fulltime or part-time basis. If parents/eligible students request a copy of the records being transferred, they shall be provided a copy without cost. If a student is under the care of a shelter for victims of domestic violence, release of information is limited by law.
- Disclosure for Student Financial Aid
- The Head of School may release, **without parents' consent**, student information regarding financial aid for which a student has applied or which a student has received, provided that personally- identifiable information from the educational records of the student may be used only to determine the eligibility of the student

for financial aid, to determine the amount of financial aid, to determine the conditions which will be imposed regarding the financial aid and/or to enforce the terms or conditions of the financial aid. Financial aid means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

- Disclosure for Purposes of Marketing or Selling Information
- ODLS does not permit the collection, disclosure, or use of personal information collected from students for marketing or for selling that information (or otherwise providing that information to others for that purpose). For purposes of this section, "personal information" means individually identifiable information including: (1) a student or parent's first and last name; (2) a home or other physical address (including street name and the name of the city or town); (3) a telephone number; or (4) a Social Security identification number.