

## **STUDENT RECORDS**

### Purpose

This policy and the procedures included within it are intended to satisfy the requirements of the Family Educational Rights and Privacy Act (FERPA) and Oklahoma law. The board of education authorizes the superintendent to inform parents, students and the public of the policy and to take appropriate action to implement the policy and procedures.

### Definitions

For purposes of this policy, the following definitions apply:

1. Student - Any individual who attends or has attended a program of instruction sponsored by the board of education of the district and for whom it maintains education records.
2. Eligible student - A student who has reached age 18 or is attending a postsecondary school.
3. Parent – A parent of a student, including a natural parent, a guardian or an individual acting as a parent in the absence of a parent or guardian. The district will assume that either parent has a right of access to records regardless of custody orders unless the district has been provided with evidence that the right of access has been revoked. Documents such as a court order or other legally binding document relating to such matters as divorce, separation or custody that specifically revoke the right to inspect and review records must be provided to the district to prevent parent access to student records.
4. Education records - Any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other method of recording information) directly related to a student and maintained by the district or a party acting for the district, except:
  - A. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - B. Records of a law enforcement unit of the district, but only if education records maintained by the district are not disclosed to the unit, and the law enforcement records are maintained separately from education records; maintained solely for law enforcement purposes; and disclosed only to law enforcement officials of the same jurisdiction.

- C. An employment record made and maintained in the normal course of business that is not available for use for any other purpose and that relates exclusively to a student in his or her capacity as a district employee. (This provision does not include employment activities for which a student receives a grade or credit in a course.)
  - D. Records on an eligible student that are:
    - i. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity;
    - ii. Made, maintained or used only in connection with treatment of the student (treatment does not include remedial educational activities or activities that are part of the program of school instruction); and
    - iii. Disclosed only to individuals providing the treatment.
  - E. Alumni records that relate to the student after he or she no longer attends classes provided by the district that are not directly related to the individual as a student.
  - F. Grades on peer-graded papers before they are collected and recorded by a teacher.
5. Personally identifiable information – The term includes, but is not limited to any 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. The term also includes information requested by a person who the district reasonably believes knows the identity of the student to whom the education records relates. Personally identifiable information includes the student's name; the student's parents' or other family member's name; the student's or family's address; a personal identifier such as the student's social security number, student number or biometric record; and other indirect identifiers such as the student's date of birth, place of birth and mother's maiden name.
6. Dates of attendance -
- A. The period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester or a first quarter.
  - B. The term does not include specific daily records of a student's attendance at an educational agency or institution.
7. Directory information - Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Student identification numbers, if displayed on school ID

badges, are also considered directory information *unless* the use of a password or PIN is required to authenticate the use of the ID number.

8. Authorized representative – An individual directly employed by a local or state educational agency, an entity designated by the local or state educational agency, or an individual employed by such entity engaging in audits, evaluations or any other compliance or enforcement activity.
9. Early childhood education program – Head Start or Early Head Start programs, state licensed or regulated childcare programs, and other similarly situated programs.
10. Education program – Elementary, secondary, postsecondary, career and technical institutes and schools or any program that is principally engaged in the provision of education.

### Annual Notice

The district will notify parents and eligible students annually of their rights under FERPA by means of a district newsletter, newspaper notice, school handbook or individual notice. The notice will inform parents and eligible students that they have the right to:

1. Inspect and review the student's education records. The notice will also identify the procedure for exercising this right.
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The notice will also identify the procedure for requesting amendment.
3. Consent to disclosures of personally identifiable information contained in the student' education records, except to the extent that FERPA and its implementing regulations authorize disclosure without consent. The district will also include in the notice its policy for disclosing education records to schools in which the student subsequently seeks or intends to enroll, its criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
4. File a complaint with the U.S. Department of Education concerning the district's alleged failure to comply with FERPA.

The district will arrange to provide translations of its annual notice to non-English speaking parents in their native language and to effectively notify parents or eligible students who are disabled.

All rights and protections given parents under FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a postsecondary school. The student then becomes an "eligible student."

### The Right to Inspect and Review the Student's Education Records

Parents of students and eligible students may inspect and review the student's education

records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. The parent or eligible student may also provide consent to have a representative inspect and review the records. Access will be provided during school hours and within no more than 45 days of the request.

Access to a child's confidential records will be provided upon request before any IEP meeting or hearing relating to the identification, evaluation or educational placement of a child or the provision of a free and appropriate education to the child and in all cases within no more than 45 days of a request.

The district will not withhold a parent's or eligible student's right to inspect and review student records because of debts owed the district.

The right to inspect education records also includes the right to an explanation and interpretation of the records by school officials.

Parents or eligible students should submit to the student's school principal a written request that identifies as precisely as possible the records he or she wishes to inspect. Since a student's records may be maintained in several locations, the school principals should offer to collect copies of records or the records themselves from locations other than a student's school, so they may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will make every effort to accommodate their wishes. The principal (or other custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

The district is not required to give an eligible student access to treatment records (as defined by the term "education records" in the Definitions section of this policy), but the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

#### Provisions of Records to Receiving Virtual Charter School

The District shall transmit a student's records to a virtual charter school within three (2) school days after receiving notice that the student has transferred to the virtual charter school.

#### Copies of Records

The district will provide the parent with a copy of the student's education records under the following circumstances:

1. If mutually agreed by both the parent or eligible student and the district.
2. If failure to provide copies would effectively prevent the parent or eligible student from exercising the right to inspect and review the records. This may arise when a valid reason, such as working hours, the distance between

record location sites or health, prevents a parent or eligible student from personally inspecting and reviewing a student's education record.

3. At the request of the parent or eligible student when the district has provided the records to third parties by the prior consent of the parent or eligible student.
4. At the request of the parent or eligible student when the district has forwarded the records to another school where the student seeks or intends to enroll.

The district will charge a fee for copies of education records. When a fee represents an unusual hardship, the record custodian may waive it in part or entirely. However, the district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The district's fee for copies provided under FERPA will range from no cost to .25 per page (actual copying cost less hardship factor). The district will not charge for the costs of search and retrieval.

Types and Locations of Education Records in the District

| <b>TYPES</b>  | <b>LOCATION</b>                              | <b>CUSTODIAN</b>           |
|---|--|----------------------------|
| Cumulative School Records (current students)  | School site                                  | Site secretary             |
| Cumulative School Records (former Students)   | School site                                  | Site secretary             |
| Health Records  | High school vault<br>Elementary nurse office | Secretary<br>Nurse         |
| Speech Therapy Records<br>Psychological Records<br>Special Test Records   | Special education office                     | Special education director |
| Transportation Records  | Central office                               | Central office secretary   |
| Occasional Records (Student Education Records not identified above, such as those in superintendent's office, in the school attorney's office or in the personal possession of teachers.) | Individual author's possession               | Individual author          |
| Child nutrition records   | Child nutrition office                       | Child nutrition director   |

### Directory Information

The district designates the following information contained in a student's record as "directory information," and it will disclose that information without the prior written consent of the parent or eligible student:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's dates of attendance;
6. The student's grade level (i.e., first grade, tenth grade, etc.);
7. The student's participation in officially recognized activities and sports;
8. The student's degrees, honors and awards received;
9. The student's weight and height, if a member of an athletic team;
10. The most recent educational agency or institution attended;
11. The student's photograph; and
12. The student's electronic mail address.

The district will notify parents and eligible students annually of the designated items of directory information by means of a district newsletter, newspaper notice, school handbook or individual notice. Parents and eligible students have the right to exclude directory information from public access by notifying the superintendent's office in writing of any or all of the items they refuse to permit the district to designate as directory information about that student. The student's records will be marked to indicate the items the district will designate as directory information about that student. This designation will remain in effect until it is modified by the written direction of the student's parent or the eligible student.

### Use and Disclosure of Student Education Records

District officials may release information from a student's education record if the student's parent or the eligible student gives his or her signed and dated prior written consent for the disclosure. The written consent must:

1. Specify the records that may be disclosed;
2. State the purpose of the disclosure; and
3. Identify the party or class of parties to whom the disclosure may be made.

The district will only release information from or permit access to a student's education record with a parent or eligible student's prior written consent, except in the following instances permitted by FERPA:

1. The disclosure is to other school officials, including teachers, within the district whom the district has determined to have legitimate educational interests.

A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the board; a person or company with whom the district has contracted to perform a special task, such as an 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 to review an education record in order to fulfill his or her professional responsibility. The district will use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. The district will ensure that its policy for controlling access to education records is effective and remains in compliance with the legitimate educational interest requirement of the FERPA regulations.

A contractor, consultant, volunteer or other party to whom the district has outsourced institutional services or functions may be considered a school official provided that the outside party performs an institutional service or function for which the district would otherwise use employees; is under the district's direct control concerning the use and maintenance of education records; and is subject to the requirements of FERPA regulations governing the use and re-disclosure of personally identifiable information from education records.

2. The disclosure is to officials of another school, school system or institution of post secondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer. (Parents and students have a right to obtain copies of the records disclosed under this provision).
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local educational authorities. Military services representatives shall have access to student directory information unless the parent, legal guardian or the student age 18 or older specifically denies such access in writing. Military services representatives have the same access to secondary school students as is generally provided to post secondary institutions or prospective employers unless denied in writing by the parent, legal guardian or student age 18 or older.
4. The disclosure is in connection with financial aid for which the student has applied or that the student has received, if necessary to determine eligibility

for the aid, the amount of the aid, the conditions for the aid, or to enforce the terms and conditions of the aid.

5. The disclosure is to organizations conducting studies for or on behalf of the district to develop, validate or administer predictive tests, administer student aid programs or improve instruction in compliance with Section 99.31(a)(6) of the FERPA regulations.
6. The disclosure is to accrediting institutions to carry out their accrediting functions.
7. The disclosure is to parents of eligible students if the parents claim the student as a dependent as defined in Section 152 of the Internal Revenue Code of 1986.
8. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision unless:
  - A. the disclosure is in compliance with a federal grand jury subpoena and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - B. the disclosure is in compliance with any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - C. the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of an offense listed in the Patriot Act or an act of domestic or international terrorism as defined by law;
  - D. the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff; or
  - E. the parent or eligible student initiates legal action against the district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.
9. The disclosure is to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat, it may disclose information from education records to any person whose knowledge of the

information is necessary to protect the health or safety of the student or other individuals.

10. The disclosure contains only “directory information” as defined in this policy, and the parent or eligible student has not refused to allow the district to designate that item as directory information for the student.
11. The disclosure is made directly to the parent or eligible student.
12. If a state law adopted before November 19, 1974, allows certain specific items of information to be disclosed in personally identifiable form from student records to state and local officials or authorities concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released or if a state law adopted after November 19, 1974, allows such information to be disclosed to state or local officials concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.

Prior to the release of education records without a parent or eligible student’s advance written consent, the district will require an authorized representative of the entity receiving the records to complete a written agreement. The agreement will state, at a minimum:

- the identity of the authorized representative
- the specific personally identifiable information that is to be disclosed
- a clear description of the activity and purpose for the disclosure
- the authorized representative will not re-disclose the personally identifiable information
- the authorized representative will destroy the personally identifiable information within the time set forth in the agreement

The district will use reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the district discloses personally identifiable information from education records.

Upon request, the student's parent or eligible student may obtain a copy of any records disclosed under this provision.

#### Record of Requests for Access and Disclosures Made From Education Records

The district will maintain an accurate record of each request for access to and each disclosure of personally identifiable information from the education records of each student. The district will maintain this record with the student's education records as long as the records are maintained.

For each request or disclosure the record will include:

1. The name of the party who requested or received personally identifiable information from the education records; and
2. The party’s legitimate interests in requesting or obtaining the information.

The district will record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception in FERPA:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the district disclosed the information.

As permitted by FERPA, the district may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student. The district will inform a party to whom such disclosure is made of this nondisclosure requirement.

In the alternative, the district may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosure of the information on the district's behalf if:

1. The disclosures meet the requirements of the Use and Disclosure of Student Education Records section of this policy (§99.31);
2. The district makes a record of the disclosure that includes the names of the additional parties to whom the receiving party may disclose the information on the district's behalf and the legitimate interests each additional party has in requesting or obtaining the information (§99.32(b)); and
3. The district maintains a record of the names of state and local educational authorities and federal officials and agencies that may make further disclosures of personally identifiable information from the student's education records without prior written consent and maintains this record with the student's education records as long as the records are maintained (§99.32(b)(2)).

#### Procedures to Seek to Correct Education Records

Parents and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading or in violation of student rights. The district will not use this procedure to consider a request to change the grade a teacher assigns for a course. Absent authorization from the State Board of Education, the district will not modify sex or gender designations on any prior year records.

For purposes of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is alleged to be inaccurate, misleading or in violation of student rights. The term "correct" will be used to describe a record that is alleged to be accurate, not misleading and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a student or the eligible student who is asking the district to correct a record.

To establish an orderly process to review and correct an education record for a requester, the district may make a decision to comply with the request for a change at several levels in the procedure.

First level decision - When a parent of a student or eligible student finds an item in the student's education record that he or she believes is incorrect, he or she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will provide the requester a copy of the questioned record at no cost; ask the requester to initiate a written request for the change; and follow the procedure for a second level decision.

Second level decision - The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item: is inaccurate and why; is misleading and why; or violates student rights and why. The requester must sign and date the request.

Within two weeks after the record custodian receives a written request, he or she will: study the request, discuss it with other school officials (such as the person who made the record or those who may have a professional concern about the district's response to the request), make a decision to comply or decline to comply with the request and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he or she will effect the change and notify the requester in writing that he or she has made the change. Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, he or she will make a written summary of any discussions with other officials and of his or her findings in the matter. He or she will transmit this summary and a copy of the written request to the superintendent.

Third level decision - The superintendent or designee will review the material provided by the record custodian and, if necessary, discuss the matter with other officials (such as the school attorney or the board of education (in executive session)). He or she will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent or designee will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent or designee decides the record is incorrect and should be changed, he or she will advise the record custodian to make the changes. The record custodian will advise the requester of the change as he or she would if the change had been made at the second level.

If the superintendent or designee decides the record is correct, he or she will prepare a letter to the requester which will include:

1. The district's decision that the record is correct and the basis for the decision;

2. A notice to the requester that he or she has a right to ask for a hearing to present evidence that the record is incorrect and that the district will grant such a hearing;
3. Instructions for the requester to contact the superintendent or designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The district will not be bound by the requester's positions on these items, but will, so far as possible, arrange the hearing as the requester wishes.); and
4. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth level decision - After the requester has submitted (orally or in writing) his or her wishes concerning the hearing officer and the time and place for the hearing, the superintendent or designee will, within a week, notify the requester when and where the district will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect, as shown in the requester's written request for a change in the record (second level).

Within one week after the hearing, the hearing officer will submit to the superintendent or designee a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The superintendent or designee will prepare the district's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the district's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent or designee may overrule the hearing officer if he or she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent or designee will take one of the following actions:

1. If the decision is that the district will change the record, the superintendent or designee will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
2. If the decision is that the district will not change the record, the superintendent or designee will prepare a written notice to the requester, which will include:
  - A. The district's decision that the record is correct and will not be changed;
  - B. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision; and

- C. A notice that the requester may place in the student's education record an explanatory statement that states the reasons he or she disagrees with the district's decision and/or the reasons he or she believes the record is incorrect.

Final administrative step in the procedure - When the district receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record, and whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

### Complaints

If a parent of a student, an eligible student or a citizen of the district believes that the district is violating FERPA, that person has a right to file a complaint with the Department of Education. The contact information is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5091  
Telephone: (202) 260-3887

### Availability of Policy

Copies of this policy will be available for parent and eligible student review in the principal's office of each school building and in the superintendent's office.

Reference: O.A.C. 210: 10-1-24

## **NOTIFICATION OF RIGHTS UNDER FERPA**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that affords parents and “eligible students” over 18 years of age certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within 45 days from the day the district receives a request for access.

Parents or eligible students must submit a written request to the school principal or appropriate school official that identifies the record(s) they wish to inspect. This school administrator will make arrangements for access to the education records and will notify the parent or eligible student of the time and place where these records may be inspected.

2. The right to request correction 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 district to amend a record they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights. They must submit a written request to the school principal or appropriate school official, 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 make changes in the record as requested, the district must notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for correction. Additional information about hearing procedures will be provided to the parent or eligible student at the time of this notification.

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 without consent (34 CFR § 99.31).

School officials with legitimate educational interests are permitted disclosure without consent. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the board; a person or company with whom the district has contracted to perform a special task, such as an 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 to review an education record in order to fulfill his or her professional responsibility.

Upon request, the district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

School districts may disclose, without consent, “directory” information; however, the district must inform parents and eligible students about directory information, allowing them a reasonable amount of time to request that the district not disclose directory information about that student.

School districts must notify parents and eligible students annually of their rights under FERPA by means of a special letter, inclusion in a Parent/Teacher Association (PTA) bulletin, student handbook and/or other means left to the discretion of each school district.

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 are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

### **DIRECTORY INFORMATION NOTICE**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the district, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) , as reauthorized by the Every Student Succeeds Act (ESSA) of 2015 to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. Directory information will not be released to outside organizations for commercial or non-commercial purposes.

If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the superintendent in writing. The district has designated the following information as "directory information," and it will disclose that information without prior written consent:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's dates of attendance;
6. The student's grade level (i.e., first grade, tenth grade, etc.);
7. The student's participation in officially recognized activities and sports;
8. The student's degrees, honors and awards received;
9. The student's weight and height, if a member of an athletic team;
10. The most recent educational agency or institution attended;
11. The student's photograph; and
12. The student's electronic mail address.

No parent or eligible student can opt out of the requirement that a student wear his or her ID badge which shows the student's school ID number.

**Agreement for Receipt of  
Records Containing Personally Identifiable Information**

Name of Entity Receiving Records: \_\_\_\_\_

Authorized Representative: \_\_\_\_\_

Activity or research being conducted which necessitates the disclosure of records:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Records to be disclosed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personally identifiable information contained in disclosed records:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Initials**

\_\_\_\_\_ I acknowledge that the records being released to me contain personally identifiable information regarding a student of the school district.

\_\_\_\_\_ I agree, as a representative of \_\_\_\_\_ that this information will not be re-disclosed.

\_\_\_\_\_ I further agree, as a representative of \_\_\_\_\_ that this information will be destroyed on or before \_\_\_\_\_ . The method of destruction will be: \_\_\_\_\_ .

I certify that I am an authorized representative of: \_\_\_\_\_  
On behalf of the entity, I agree to abide by the terms and conditions set forth in this agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **DOCUMENT RETENTION**

The district will maintain all documents and records in a manner consistent with current legal requirements and administrative best practices. School employees are required to treat confidential information appropriately and to take reasonable precautions to ensure that private information is not unnecessarily disclosed to those who do not need such access. Health records will always be stored separately from other student and employee files.

Paper records will be stored in secure locations based on the sensitivity of the information. Electronic records will be properly secured and will be archived with adequate safeguards implemented to ensure that technological advancements do not cause the records to become inaccessible. The district's technology director will regularly evaluate the district's overall document retention program to determine whether the district's retention practices are current. The technology director is responsible for making recommendations regarding the program as needed to the superintendent.

No document will be destroyed if it pertains to a pending claim, even if the document was otherwise scheduled for destruction.

### Education Operations

The superintendent is responsible for maintaining adequate records to effectively plan, operate, evaluate, and make required reports on the district's education program. These records will be maintained as long as the superintendent determines appropriate based on the specific records.

### Student Records

All student education records will be maintained in compliance with the district's policy regarding FERPA. In addition to those standards, school personnel will comply with the following document retention standards:

- Student Transcripts

The registrar is responsible for maintaining student transcripts for 80 years from the student's last day of enrollment in the district. The transcript shall contain the following information:

- Name
- Address
- Telephone listing
- Date / place of birth
- Inventory of courses taken, with grades
- GPA and/or class rank

- **Medical**

The registrar is responsible for maintaining medical records. Medical records include items such as immunization verifications, allergy or diabetes plans, and child abuse reports. These records will be maintained 5 years from the student's last date of enrollment.

- **Special Education**

The special education director is responsible for maintaining special education records. All special education records will be retained for 5 years from the student's last date of special education services. Sixty days prior to destroying any special education record, the district will notify parents and eligible students of their right to retrieve the records rather than having the records destroyed.

- **Other**

All other student records will be retained for 5 years from the student's last day of attendance in the district. The registrar is responsible for overseeing maintenance and destruction of these records. Thirty days prior to destroying these records, the district will notify parents and eligible students of their right to retrieve the records rather than having the records destroyed. This notification will occur by notice to the parent/student's<sup>1</sup> last known email or physical address.

### Board Records and District Financial Records

The minutes clerk is responsible for permanently maintaining all board agendas and minutes, as well as the deeds and titles to all district owned real property.

The treasurer is responsible for maintaining records related to the district's banking transactions and all federal and state program expenditures. The duration of records retained under this section will be determined by the schedule maintained in treasurer's office.

### Employee Records

The human resource coordinator is responsible for retaining employee records. These records include wage and hour information, routine personnel records, and drug/alcohol testing records. The duration of records retained under this section will be determined by the schedule maintained in human resource coordinator's office.

### Electronic Records

All district emails will be retained as long as is practical given the district's technology constraints.

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<sup>1</sup> Destruction notices will be sent to the parent/guardian if the records pertain to a minor. Notices will be sent to the student if the records pertain to an individual who is over age 18.

**TRANSFER AND RELEASE  
OF CONFIDENTIAL INFORMATION**

The district adopts this policy pursuant to OKLA. STAT. tit. 10 § 620.5.

For purposes of this policy, "confidential information" means any information regarding a child receiving services supported in whole or in part by state or federal funds, a family member of such child, or other persons residing in the home of such child, and which is required by state or federal law or regulation to be maintained in a confidential manner.

The district will transfer and release confidential information in accordance with this policy to:

1. The Department of Human Services;
2. The Department of Mental Health and Substance Abuse Services;
3. The State Department of Health;
4. The State Department of Education;
5. The State Department of Vocational and Technical Education;
6. The Oklahoma Commission on Children and Youth;
7. The J.D. McCarty Center for Handicapped Children;
8. The Department of Corrections;
9. Private agencies receiving public funds pursuant to a grant or contract with one of the agencies listed in (1) through (8) and providing institutional, community residential or community-based services as defined by OKLA. STAT. tit. 10A §1-1-105;
10. Persons and agencies subject to the rules promulgated by the agencies listed in (1) through (8); and
11. Statutorily-constituted juvenile bureaus.

Unless otherwise permitted by state or federal law or regulation, confidential information will only be released to the above-described entities pursuant to (1) a court order or (2) an informed consent that has been executed by (a) the parent or guardian of the child or other person authorized by state or federal law to execute such consent, if the subject of the confidential information is a child or (b) the individual who was the subject of the confidential information or other person authorized by law to execute such consent on his or her behalf, if the subject of the confidential information is an adult. The district will use the State of Oklahoma Standard Form Consent for the Release of Confidential Information.

The district will follow the rules promulgated by the State Department of Education for authorizing access to confidential information for the purpose of gathering statistical information or conducting studies or researches otherwise authorized by law.

The district shall charge \$.25 per page for all copies made pursuant to this policy plus the actual cost of mailing the copies.

## **OPEN RECORDS**

The board of education adopts this policy in connection with the Oklahoma Open Records Act (the "Act").

### District's Philosophy

The school district, as a tax supported institution, recognizes that the public has a right to be fully informed concerning its operations. The school district strongly believes that informed citizens are vital to the successful functioning of the democratic government process which this school district desires to exemplify to its students.

In order to achieve these goals, the board of education hereby states that all records of the school district, except those records designated as confidential in this policy, or, otherwise, as required by federal or state law, shall be open to any person for inspection, copying and/or mechanical reproduction during regular business hours. All persons requesting the right to inspect non-confidential records of the school district shall be accorded prompt access to those records.

### Confidential Records Not Available for Inspection

As permitted by the Act, the school district hereby designates the following records as confidential and not open for public inspection:

1. Records which can be kept confidential under federal or state law.
2. Personnel records which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation.
3. Personnel records where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, and employment applications submitted by persons not hired, and transcripts from institutions of higher education.
4. Bid specifications for competitive bidding prior to publication; contents of sealed bids prior to bid opening; computer programs or software (but not the data thereon); and appraisals relating to the sale or acquisition of real estate prior to the award of a contract – if disclosure would give an unfair advantage to competitors or bidders.
5. Personal communications received from a person exercising rights secured by the Oklahoma or United States Constitution, except for the fact that a communication has been received and that it is or is not a complaint. Any response to such personal communications shall be confidential only to the extent necessary to protect the identity of the person exercising the right.
6. Individual student records, except for: (a) statistical information not identified with a particular student if such information is maintained in a composite form and (b) directory information as defined in the Act, if, pursuant to the Family

Educational Rights and Privacy Act that information (i) has been designated by the school district as directory information and (ii) parents have been notified of and have not exercised their non-release rights.

7. Instructor lesson plans, tests and other teaching materials.
8. Personal communications concerning individual students.
9. Personal notes and personally created materials, when made prior to taking action, making a recommendation or issuing a report. Confidentiality does not extend to departmental budget requests prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project.
10. The home address of any person employed or formerly employed by the school district.
11. The home telephone number of any person employed or formerly employed by the school district, where disclosure would constitute a clearly unwarranted invasion of personal privacy.
12. Any contract for use of a student athlete's name, image, or likeness disclosed to a postsecondary institution pursuant to the Student Athlete Name, Image and Likeness Rights Act.

### Records Custodian

The board of education hereby designates the following individual as its records custodian, authorized to release non-confidential public records for inspection, copying or mechanical reproduction:

- Board Minutes Clerk

Under Oklahoma law, the board clerk is the custodian of the district's copy of required school board election related filings. The clerk has authorized the posting of these filings on the district's website and copies can be obtained at [www.warner.k12.ok.us](http://www.warner.k12.ok.us).

### Fees for Records and for Search for Records

The following fees shall be charged for records reproduction and any compensable search for records:

#### *Paper Production:*

|            |                |
|------------|----------------|
| 8 ½" x 11" | \$.25 per copy |
| 8 ½" x 14" | \$.25 per copy |
| 11" x 17"  | \$.50 per copy |

#### *Electronic Production:*

|                                   |                |
|-----------------------------------|----------------|
| Document conversion (TIFF or PDF) | \$.25 per page |
|-----------------------------------|----------------|

The district does not consider publication in a newspaper or broadcast by news media as resale or use of data for trade or commercial purpose. However, the district shall charge the news media and others the direct cost of copying electronic data.

A search fee shall not be charged when the release of documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers

seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

Costs associated with reproduction of public records shall be paid by, or on behalf of the requestor, at the time documents requested are to be picked up. In the event of a large records request or a request that involves an outside cost to the district, the district may request a deposit, to be set by the records custodian, to be made at the time of the request.

The district may require advance payment of the estimated fees when the estimated cost exceeds \$75.00 or if the requestor has outstanding fees from previous requests. Any portion of an advance payment that exceeds the costs of responding to the request shall be returned to the requestor.

### Request for Records

Requests for public records shall be made to the attention of the superintendent or the district's records custodian. The request shall identify with specificity the record or records sought. Where the request for records is unclear or confusing, the records custodian may request that the requestor provide a more precise explanation or description of the records requested. The district shall produce records requested promptly, taking into consideration the accessibility of the record, the number and type of records requested, and the press of school district business.

An individual requesting public records may be required to use the district's request form. If a records request does not describe the requested records with reasonable specificity, the district will require the requestor to clarify the request. To have reasonable specificity, a request shall:

- a. specify a general time frame within which the requested records would have been created or transmitted,
- b. seek identifiable records, rather than general information without any qualifiers or other specifications, and
- c. include search terms that are sufficiently specific to assist the public body in identifying the requested records.

If the district has engaged with the requestor to seek the information needed to fulfill the request and to identify the records sought by the requestor, including providing the requestor with general topics or a specific list of records related to the request, the request may be denied if it is still not reasonably specific.

### Appeal of Denial of Records

If inspection of documents designated as confidential is denied, the person requesting access to such documents shall have a right to appeal the denial to the superintendent of schools.

Reference: OKLA. STAT. tit. 51, §§ 24A.16, 24A.5

**OPEN RECORDS ACT SCHEDULE OF FEES**

|  |                         |
|--|-------------------------|
| Black & white copy (not exceeding 8.5 x 14" in size)                           | <i>.25 per page</i>     |
| Color copy (not exceeding 8.5 x 14" in size)                                   | <i>Actual cost</i>      |
| Certified copy   | <i>\$1.00 per page</i>  |
| Oversized copy (exceeding 8.5 x 14")   | <i>Actual cost</i>      |
| Video tape or DVD copy <sup>2</sup>  | <i>\$10.00 per tape</i> |
| Audio tape or CD copy <sup>3</sup>   | <i>\$10.00 per tape</i> |
| Mailing fee (if mail delivery is requested)                                    | <i>Actual cost</i>      |
| Research fee<br>(for research, review, and redacting which exceeds 15 minutes) | <i>Actual cost</i>      |
| Electronic data conversion (TIFF or PDF)                                       | <i>\$.25 per page</i>   |

The district may require advance payment of the estimated fees when the estimated cost exceeds \$75.00 or if the requestor has outstanding fees from previous requests. Any portion of an advance payment that exceeds the costs of responding to the request shall be returned to the requestor.

<sup>2</sup> For each video tape or DVD copy requested, requestor must supply a new, blank standard VHS tape or DVD.

<sup>3</sup> For each audio tape copy requested, requestor must supply a new, blank standard audio cassette tape(s) or CD. No mini-audio cassette tapes will be accepted.