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## STUDENT POLICIES GOALS

The Board advocates the following goals:

1. to enhance equal educational opportunities for all students;
2. to instill in all students the ability to be critical thinkers and to strive for lifelong learning;
3. to promote faithful attendance;
4. to ensure that the Constitutional rights of all students as citizens in a democracy have practical meaning and application;
5. to develop in students a deep sense of personal responsibility for their actions;
6. to attend vigorously to matters of student safety, health and welfare;
7. to deal justly and constructively with all students in matters of discipline and
8. to help all students feel that they are valued as individual persons in the school environment.

[Adoption date: January 7, 2003]

LEGAL REFS.: Ohio Const. Art. II  
ORC 3313.48

## EQUAL EDUCATIONAL OPPORTUNITIES

The Board declares it to be the policy of this ESC to provide an equal opportunity for all children to achieve their maximum potential through the classroom and extracurricular programs offered in this ESC regardless of race, color, creed, handicap/disability, religion, sex, ancestry, national origin, citizenship status, place of residence, social or economic background, or other human differences.

In order to achieve the goal, the Board directs the Superintendent and Central Office staff, as well as local administrators, to:

1. review current and proposed curriculum guides and textbooks to detect any bias based upon race, sex, religion, national origin, ancestry, or culture, ascertaining supplemental materials, singly or taken as a whole, fairly depict the contribution of both sexes and the various races, ethnic groups, and the like towards the development of human society;
2. develop an ongoing program of in-service training for school personnel designed to identify and solve problems of racial, sexual, religious, national, or cultural bias in all aspects of the school program;
3. review current and proposed programs, activities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of race, color, creed, sex, or national origin in any duty, work, play, classroom, or school practice except as may be permitted under state regulations;
4. ensure that like aspects of the program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, and access to such facilities and equipment and related matters; and
5. ensure that tests, procedures, or guidance and counseling materials which are designed to evaluate student progress or rate aptitudes or analyze personality or in any manner establish or tend to establish a category by which a student may be judged are not differentiated or stereotyped on the basis of race, color, creed, sex, or national origin.

The Superintendent may be assisted in these duties by a committee composed of teaching staff members.

The Superintendent shall report to the Board on progress made in the affirmative action program for school and classroom practices periodically.

[Adoption date: January 7, 2003]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, (Amended 1972), Title VII; 42 USC 2000e et seq.  
Executive Order 11246, 1965, amended by Executive Order 11375  
Education Amendments of 1972, Title IX, Pub. L. No. 92-318 (1972)  
Individuals with Disabilities Education Act  
Vocational Rehabilitation Act of 1973, Section 504  
ORC 3313.64  
OAC 3301-35-02(a)(2)  
42 USC 12112 et seq., Americans with Disabilities Act

CROSS REFS.: AC, Nondiscrimination  
ACA, Nondiscrimination on the Basis of Sex  
ACB, Nondiscrimination on the Basis of Disability  
GBA, Equal Opportunity Employment  
IGBA, Programs for Disabled Students

## ADMISSION OF HOMELESS STUDENTS

The Board believes that all school-aged students, including homeless students, have a basic right to admission in the ESC schools and equal educational opportunities. Accordingly, the ESC must enroll each homeless student in the ESC in the school determined to be in the student's best interest. A homeless student or individual is defined as an individual who lacks fixed, regular and adequate nighttime residence and who has a primary nighttime residence that is:

1. a supervised, publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);
2. an institution that provides a temporary residence for individuals intended to be institutionalized or
3. a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

In compliance with the Stewart B. McKinney Homeless Assistance Act, the ESC must enroll a homeless student in either:

1. the school of origin for the remainder of the academic year or, if the student becomes homeless between academic years, for the following academic year or
2. the school which he/she would attend if he/she were a resident of the ESC.

The Board ensures that:

1. it reviews and revises Board policies and regulations to eliminate barriers to the enrollment, retention and success in school of homeless students;
2. it appoints an ESC liaison who ensures that homeless students enroll and succeed in school and
3. homeless students are provided with transportation services that are at least comparable to the service provided to nonhomeless students.

If the ESC receives sub grants to implement this policy, the liaison ensures compliance with the sub grant and coordinates services for homeless students with local social service agencies and programs, including those funded under the Runaway and Homeless Youth Act.

To the extent feasible, the ESC complies with the request made by a parent(s) regarding school placement regardless of whether the student lives with the homeless parent(s) or is temporarily residing elsewhere.

A student who ceases to be homeless may continue to receive services until the end of the period of time for which the service was originally intended to be provided, which may be the end of the school year or the end of a program cycle.

The ESC complies with the Ohio Department of Education's Plan Ohio and Federal law for the education of homeless children and youth.

[Adoption date: January 7, 2003]

Fairfield County Educational Service Center, Lancaster, Ohio

LEGAL REF.: 42 USC Sections 11431 et seq.

STUDENT WITHDRAWAL FROM SCHOOL  
(Loss of Driving Privileges)

When the Superintendent receives information that a student of compulsory school age has withdrawn from school, the Superintendent must, within two weeks after the withdrawal, notify the Registrar of Motor Vehicles and the county juvenile judge. Notification is not necessary if a student has withdrawn because of a change of residence; the student is enrolled in and attending, in accordance with ESC policy, an approved program to obtain a diploma or its equivalent or if the student holds a full-time Age and Schooling Certificate and is regularly employed.

Notification to the Registrar of Motor Vehicles and the county juvenile judge must comply with State and Federal laws.

After receiving such information from the Superintendent, the Registrar of Motor Vehicles is required to suspend the temporary instruction permit or driver's license of the student who is the subject of the notice. If a temporary permit or license has not been issued to that student, the Registrar is prohibited from issuing a temporary permit or a license. Any denial of driving privileges would remain in effect until the student reaches 18 or until the denial of driving privileges is terminated for another reason allowable under State law.

In compliance with State law, a student whose driving privileges have been denied can file a petition seeking his/her reinstatement with the juvenile court in whose jurisdiction he/she resides.

[Adoption date: January 7, 2003]

LEGAL REFS.: ORC 3319.321  
3321.13  
4507.061

Family Educational Rights and Privacy Act; 20 USC 1232g

## TRUANCY

It shall be the policy of the Fairfield County Educational Service Center to cooperate with the school district of residence as they endeavor to reduce truancy through diligent monitoring of student attendance, cooperation with parents and a close working relationship with the county attendance officer and the Fairfield County Juvenile Court.

When a child has been truant and the parent(s), guardian or other person having care of a child has failed to ensure the child's attendance at school, the local board of education has authority, granted by State law, to require the parent(s) of such a child to attend a specific educational program. This program is to be developed in accordance with rules adopted by the State Board of Education for the purpose of encouraging parental involvement in compelling the child's attendance at school. Once such guidelines are issued by the State Board of Education, this educational service center will cooperate with the local school districts in establishing such programs, allowing building administrators to utilize assignment to these programs as an option in reducing truancy.

At the request of any local superintendent, or when it comes to the attention of the school attendance officer or other appropriate officer of the district, the designated officer must investigate any case of suspected truancy. The designated officer must warn the child, if found truant, and the child's parent(s), in writing, of the legal consequences of being a "habitual" or a "chronic" truant.

### Definitions

A "habitual" truant is any child of compulsory school age who is absent without a legitimate excuse for five or more consecutive days, seven or more school days in one month or twelve or more days in a school year.

A "chronic" truant is any child of compulsory school age who is absent without a legitimate excuse for seven consecutive school days, 10 or more days in one month or 15 days in a school year.

The parent is required to have the child attend school immediately after notification. If the parent fails to get the child to attend school, the principal will notify the county attendance officer to request further action.

### Habitual Truants and Unruly Charges

For "habitually truant" children, the building administrator, in cooperation with the county attendance officer, will file a complaint in juvenile court, jointly against the child and the parent. The complaint must state that the child is an "unruly child" by virtue of being a "habitual truant," and that the parent has violated the School Attendance Law.

For the "habitual truant" child, the court may order the child to attend an alternative school or the court may order that the child not be absent without a legitimate excuse for a specified number of days.

Chronic Truants and Delinquency Charges

Regarding "chronic truants," if the parent fails to get the child to attend school and the child is considered a "chronic truant," the building administrator, in cooperation with the county attendance officer, will file a complaint jointly against the child and parent. The complaint must state that the child is a "delinquent child" by virtue of being a "chronic truant" and that the parent has violated the School Attendance Law.

The Fairfield County Educational Service Center will cooperate with the local districts in developing intervention strategies that may include the following:

1. providing counseling for truant children;
2. where appropriate, assisting in the development of county parental and child programs for truancy prevention;
3. notification of the Registrar of Motor Vehicles or
4. taking appropriate legal action against the truant child and his/her parent(s).

[Adoption date: January 7, 2003]

**HIV/AIDS**  
(Human Immunodeficiency Virus/  
Acquired Immune Deficiency Syndrome)

General Principles

The Board recognizes that the human immunodeficiency virus (HIV) and the condition of acquired immune deficiency syndrome (AIDS), which is caused by the HIV infection, are significant medical, legal, educational and social issues. The Board desires to protect the rights of all students and employees and does not discriminate against students and employees who are HIV-infected. The Board works cooperatively with state and local health organizations in assessing the needs of HIV-infected students or staff and keeping updated on current educational information to be included in the ESC's educational plan.

Current medical information available indicates that HIV cannot be transmitted from one individual to another by casual contact, i.e., the type of contact that occurs in the school setting, such as shaking hands, sharing an office or a classroom, coughing, sneezing or the use of drinking fountains. Students who are infected with HIV are entitled to all rights, privileges and services accorded to other students. Decisions about any changes in the educational program of an HIV-infected student shall be made on a case-by-case basis, relying on the best available scientific evidence and medical advice.

There shall be no discrimination against employees who are HIV-infected. The ESC provides equal opportunities for employment, retention and advancement for all staff members. Employees who are unable to perform their duties due to an illness, such as those related to HIV, shall retain eligibility for all benefits that are provided for other employees with long-term diseases or disabling conditions, utilizing the information/rights in any negotiated agreements or Board policies as appropriate. Changes in employment status or location due to HIV complications are made on a case-by-case basis.

Evaluating Students and Staff Who Are Infected with HIV

The Superintendent is the designee regarding all HIV incidences. When an individual is found to be infected with HIV, the Superintendent shall attempt to ascertain, in consultation with the infected individual, whether he/she has a secondary infection such as tuberculosis that constitutes a recognized risk of transmission in the school setting. This is a medical question that can only be determined by the infected person's physician. The Superintendent shall also attempt to determine ways that the ESC may help anticipate and meet the needs of the student or staff member infected with HIV.

If there is no secondary infection that constitutes a medically recognized risk of transmission in the school setting, the Superintendent shall not alter the education program or job assignment of the infected person. The Superintendent shall periodically review the case with the infected person (and the parent(s) of the student) and with the medical advisors described above.

If there is a secondary infection that constitutes a medically recognized risk of transmission in the school setting, the Superintendent shall consult with the physician, public health official and the infected person (and the parent(s) of the student). If necessary, they will develop an individually tailored plan for the student or staff member. Additional persons may be consulted, if this is essential for gaining additional information, with the consent of the infected staff member or the student's parent(s). The Superintendent should consult with the school attorney to make sure that any official action is consistent with State and Federal laws. When the Superintendent makes a decision about the case, there shall be a fair and confidential process for appealing the decision.

If an individually tailored plan is necessary, it shall have a minimal impact on either education or employment. It must be medically, legally, educationally and ethically sound. The Superintendent periodically reviews individual cases and oversees implementation of the plan in accordance with local, State and Federal laws.

### Confidentiality

Information regarding a student or staff member infected with HIV is classified, by law, as confidential. Those individuals who have access to the proceedings, discussions or documents must treat such information as confidential. Only with the written consent of the staff member or the student's parent(s) shall other school personnel, individuals and agencies be informed of the situation/condition. All information pertaining to the case shall be kept by the Superintendent in a locked file; access to this file is granted only to those people who have the written consent of the infected staff member or the infected student's parent(s).

### HIV Education Program

The Board directs the administration to develop an educational plan to inform employees about HIV-related issues and safety. In developing such programs, it is expected that information from sources such as the National Centers for Disease Control, the Ohio Department of Health and the Ohio Department of Education is utilized.

The educational program should ensure that, at a minimum, students and staff are informed in a consistent manner about:

1. the nature of HIV infection, including how it is and is not transmitted according to current scientific evidence;
2. ESC guidelines related to students and employees with diseases such as HIV infection;
3. resources within the ESC and the surrounding community for obtaining additional information or assistance and
4. procedures to prevent the spread of all communicable diseases at school.



[Adoption date: January 7, 2003]

LEGAL REFS.: Family and Medical Leave Act; 29 USC 2611 et seq.  
ORC 3313.67; 3313.68; 3313.71  
3319.13; 3319.141; 3319.321  
3701.13; 3701.14  
3707.06; 3707.08; 3707.20; 3707.21; 3707.26  
3709.20; 3709.21  
OAC 3301-35-02

CROSS REFS.: AC, Nondiscrimination  
ACB, Nondiscrimination on the Basis of Disability  
EBBC, Bloodborne Pathogens  
GBA, Equal Opportunity Employment  
GBE, Staff Health and Safety  
GBL, Personnel Records  
JB, Equal Educational Opportunities  
JO, Student Records  
Staff and Student Handbooks

## REPORTING CHILD ABUSE

All employees of the Fairfield County Educational Service Center who know or suspect that a child under 18 years of age or a disabled child under 21 years of age has suffered or is suffering any type of abuse or neglect are required to immediately report such information to the public children services agency or the local law enforcement agency.

To ensure prompt reports, procedures for reporting are made known to the school staff. A person who participates in making such reports is immune from any civil or criminal liability, provided the report is made in good faith.

The Board directs the Superintendent/designee to develop a program of in-service training in child abuse prevention for all elementary school nurses, teachers, counselors, psychologists and administrators. This program is developed in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs.

Each person employed by the Board to work as an elementary school nurse, teacher, counselor, psychologist or administrator shall complete at least four hours of in-service training in child abuse prevention, **violence and substance abuse and the promotion of positive youth development within two years of commencing employment with the district, and every five years thereafter.**

Conversely, public children's services agencies must notify the Superintendent of any allegations of child abuse and neglect reported to them involving the District, as well as the disposition of the investigation.

Adoption date:

LEGAL REFS.: ORC 2151.011; 2151.421  
3313.662  
3319.073

## EMPLOYMENT OF STUDENTS

### Work Permits

In compliance with law, the Superintendent will be responsible for processing requests for and issuing work permits as necessary. Employment must meet all legal requirements pertaining to jobs suitable for minors.

[Adoption date: January 7, 2003]

LEGAL REFS.: ORC 3313.56; 3313.93  
3321.08-3321.11  
3331.01-3331.15  
Chapter 4109  
4111.02

Immigration Reform and Control Act of 1986; 42 USC 1324a et seq.

## STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the ESC to maintain extensive educational and personal information. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parent(s) or the student in compliance with law, and yet be guarded as confidential information.

The Superintendent is responsible for the proper administration of student records in keeping with State law and federal requirements and the procedures for the collection of necessary information about individual students throughout the ESC.

Upon request, all records and files included in the student's cumulative file are available to parent(s) or the student (if he/she is over 18 years of age). This request must be in writing and is granted within seven calendar days. No records are to be removed from the school. A principal, teacher or other qualified school personnel must be present to explain any of the tests or other material.

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

The ESC provides notice to parents and eligible students annually, in accordance with the procedures set forth under administrative regulations, of the rights held by parents and eligible students under law and this policy. It is the intent of the ESC to limit the disclosure of information contained in the student's education records except:

1. by prior written consent;
2. as directory information and
3. under other limited circumstances, as enumerated under administrative regulations.

The following rights exist:

1. the right to inspect and review the student's education records;
2. the right, in accordance with administrative regulations, to seek to correct parts of the student's education records, including the right to a hearing if the school authority decides not to alter the records according to the parent(s)' or eligible student's request;
3. the right of any person to file a complaint with the U.S. Department of Education if the ESC violates relevant Federal law, specifically the Family Educational Rights and Privacy Act (FERPA) and

4. the right to acquire information concerning the procedure which the parent(s) or eligible student should follow to obtain copies of this policy, the locations from which these copies may be obtained, as well as any fees to be charged for such copies. \*(See administrative regulations.)

The ESC proposes to designate the following personally identifiable information contained in a student's education records as "directory information."

1. student's name
2. student's address
3. telephone number(s)
4. student's date and place of birth
5. dates of attendance ("from and to" dates of enrollment)

The above information is disclosed without prior written, except when the request is for a profit-making plan or activity. Student records that consist of "personally identifiable information" generally are exempt from disclosure. Student directory information, however, is released unless the parents have affirmatively withdrawn their consent to release in writing.

Administrative regulations set forth a procedure for annual notification to parents and eligible students of the ESC's definition of directory information. Parents or eligible students then have two weeks in which to advise the ESC, in accordance with such regulations, of any or all items which they refuse to permit as directory information about that student.

To carry out their responsibilities, school officials have access to student education records for legitimate educational purposes. The ESC uses the criteria set forth under administrative regulations to determine who are "school officials" and what constitutes "legitimate educational interests."

Other than requests as described above, school officials release information from, or permit access to, a student's education records only with the prior written consent of a parent or eligible student, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure in certain limited circumstances outlined under administrative regulations (e.g., transfers to another school district or to comply with judicial order or subpoena or where warranted, in a health or safety emergency, etc.).

The ESC maintains, in accordance with administrative regulations, an accurate record of all requests to disclose information from, or to permit access to, a student's education records and of information disclosed and access permitted.

[Adoption date: January 7, 2003]

LEGAL REFS.: Family Educational Rights and Privacy Act; 20 USC Section 1232g  
ORC 149.41; 149.43  
1347.01 et seq.  
3317.031  
3319.32; 3319.321; 3319.33  
3321.12; 3321.13

3331.13  
OAC 3301-35-02(B)(4)(b); 3301-35-03(E)

CROSS REFS.: AFI, Evaluation of Educational Resources  
KBA, Public's Right to Know

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## STUDENT RECORDS

1. Each student's official school records include the following.
  - A. Records to be retained permanently
    - 1) name and address of parent(s)
    - 2) verification of date and place of birth
    - 3) dates and record of attendance
    - 4) course enrollment and grades
    - 5) test data
    - 6) date of graduation or withdrawal
  - B. Records of verifiable information to be retained during the student's school career
    - 1) medical/health data
    - 2) individual psychological evaluation (gathered with written consent of parent(s))
    - 3) individual intelligence tests, tests for learning disabilities, etc. (counselor-administered)
    - 4) other verifiable information to be used in educational decision making
2. Maintaining student records
  - A. Transcripts of the scholastic record contain only factual information. The ESC confines its recordkeeping to tasks with clearly defined educational ends.
  - B. Items listed under 1-A are retained for 100 years. Those listed under 1-B are retained during the student's enrollment and destroyed after graduation unless the school code imposes other restrictions.
  - C. Teacher and staff comments on student records are confined to matters related to student performance. Value judgments are excluded from the record.
  - D. Student records are considered as current educational and/or therapeutic tools and are available for use as such.

The following definitions of terms pertain to this statement of policy.

Student – any person who attends or has attended a program of instruction sponsored by the Board.

Eligible student – a student or former student who has reached age 18 or is attending a postsecondary school.

Parent – either natural parent of a student, unless his/her rights under the FERPA have been removed by a court order, a guardian or an individual acting as a parent or guardian in the absence of the student's parent(s).

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Dates of attendance – means 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. The term does not include specific daily records of a student's attendance at an educational agency or institution.

Education records – any records (in handwriting, print, tapes, film or other medium) maintained by the ESC, an employee of the ESC or an agent of the ESC which are related to a student, except:

1. a personal record kept by a school staff member that meets the following tests:
  - A. it is in the sole possession of the individual who made it;
  - B. use only as a personal memory aid and
  - C. information contained in it has never been revealed or made available to any other person, except the maker's temporary substitute;
2. an employment record which is used only in relation to a student's employment by the ESC (employment for this purpose does not include activities for which a student receives a grade or credit in a course) and
3. alumni records which relate to the student after he/she no longer attends classes provided by the ESC and the records do not relate to the person as a student.

Personal identifier – any data or information which makes the subject of a record known, including the student's name, the student's address, the student's social security number, a student number, a list of personal characteristics or any other information which would make the student's identity known.

## ANNUAL NOTIFICATION

Within the first three weeks of each school year, the ESC publishes in a notice to parents and eligible students their rights under State and Federal laws and under this policy. The ESC also sends home with each student a bulletin listing these rights; the bulletin is included with a packet of material provided to parents or eligible students when the students enroll during the school year.

The notice includes:

1. the right of a parent(s) or eligible student to inspect and review the student's education records;
2. the intent of the ESC to limit the disclosure of information contained in a student's education records, except: (1) by the prior written consent of the student's parent(s) or the eligible student, (2) as directory information or (3) under certain limited circumstances, as permitted by law;

3. the right of a student's parent(s) or an eligible student to seek to correct parts of the student's education records which he/she believes to be inaccurate, misleading or in

violation of student rights; this right includes a hearing to present evidence that the records should be changed if the ESC decides not to alter them according to the parent(s)' or eligible student's request;

4. the right of any person to file a complaint with the Department of Education if the ESC violates the FERPA and
5. the procedure that a student's parent(s) or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

An administrator arranges to provide translations of this notice to non-English-speaking parents in their native language.

### LOCATIONS OF EDUCATION RECORDS

TYPES	LOCATION	CUSTODIAN
<u>Cumulative School Records</u>	Principals' Offices	Principals
<u>Cumulative School Records</u> (Former Students)	Central Office	Chief Archivist
<u>Health Records</u>	Principals' Offices	Principals
<u>Speech Therapy Records</u> <u>Psychological Records</u>	Principals' Offices	Principals
<u>School Transportation Records</u>	School Bus Garage	Director of Pupil Transportation
<u>Special Test Records</u>	Principals' Offices	Principals
<u>Occasional Records</u> (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)	Principals' Offices	Principals

### PROCEDURE TO INSPECT EDUCATION RECORDS

Parents or eligible students may inspect and review education records to which they are entitled to have access upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. (See the schedule of fees for copies.)

Since a student's records may be maintained in several locations, the school principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents and eligible students wish to inspect records where they are maintained, school principals accommodate their wishes.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records which he/she wishes to inspect.

The principal (or other custodian) contacts the parent(s) of the student or the eligible student to discuss how access is best arranged (copies, at the exact location or records brought to a single site).

The principal (or other custodian) makes the needed arrangements as promptly as possible and notifies the parent(s) or eligible student of the time and place where the records may be inspected. This procedure must be completed within 45 days or earlier after the receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites or health, a parent(s) or eligible student cannot personally inspect and review a student's education records, the ESC arranges for the parent(s) or eligible student to obtain copies of the records. (See information below regarding fees for copies of records.)

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

#### FEES FOR COPIES OF RECORDS

The ESC does not deny parents or eligible students any rights to copies of records because of the following published fees. When the fee represents an unusual hardship, it may be waived, in part or entirely, by the records custodian. The ESC reserves the right to make a charge for copies, such as transcripts, which it forwards to potential employers or to colleges and universities for employment or admissions purposes. The ESC may deny copies of records (except for those required by law) if the student has an unpaid financial obligation to the ESC.

Federal law requires the ESC to provide copies of records for the following reasons:

1. when the refusal to provide copies effectively denies access to a parent(s) or eligible student;
2. at the request of the parent(s) or eligible student when the ESC has provided the records to third parties by the prior consent of the parent(s) or eligible student or
3. at the request of the parent(s) or eligible student when the ESC has forwarded the records to another district in which the student seeks or intends to enroll.

The fee for copies provided under Federal law may not include the costs for search and retrieval.

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## DIRECTORY INFORMATION

The ESC proposes to designate the following personally identifiable information contained in a student's education record as "directory information"; it discloses that information without prior written consent, except that directory information is not released for a profit-making plan or activity. Such information includes:

1. student's name
2. student's address
3. telephone number(s)
4. student's date and place of birth
5. dates of attendance ("from and to" dates of enrollment)

Within the first three weeks of each school year, the ESC publishes the above list, or a revised list, of the items of directory information which it proposes to designate as directory information. For students enrolling after the notice is published, the list is given to the student's parent(s) or to the eligible student at the time and place of enrollment.

After the parents or eligible students have been notified, they have two weeks in which to advise the ESC in writing (a letter to the Superintendent's office) of any or all of the items which they refuse to permit the ESC to designate as directory information about that student.

At the end of the two-week period, each student's records are appropriately marked by the record custodians to indicate the items which the ESC designates as directory information about that student. This designation remains in effect until it is modified by the written direction of the student's parent(s) or the eligible student.

## USE OF STUDENT EDUCATION RECORDS

To carry out their responsibilities, school officials have access to student education records for legitimate educational purposes. The ESC uses the following criteria to determine who are school officials. An official is:

1. a person duly elected to the Board;
2. a person certified by the state and appointed by the Board to an administrative or supervisory position;
3. a person certified by the state and under contract to the Board as an instructor;
4. a person employed by the Board as a temporary substitute for administrative, supervisory or teaching personnel for the period of his/her performance as a substitute or

5. a person employed by, or under contract to, the Board to perform a special task such as a secretary, a Treasurer, Board attorney or auditor for the period of his/her performance as an employee or contractor.

School officials who meet the criteria listed above have access to a student's records if they have a legitimate educational interest in those records. A "legitimate educational interest" is the person's need to know in order to:

1. perform an administrative task required in the school employee's position description approved by the Board;
2. perform a supervisory or instructional task directly related to the student's education or
3. perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.

The ESC releases information from or permits access to a student's education records only with a parent's or an eligible student's prior written consent, except that the school Superintendent or a person designated in writing by the Superintendent may permit disclosure under the following conditions:

1. when students seek or intend to enroll in another school district or a postsecondary school; (upon the condition that the student's parents be notified of the transfer, receive a copy of the record and have an opportunity for a hearing to challenge the content of the record)
2. when certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the ESC;
3. when parties who provide, or may provide, financial aid to students need the information to:
  - A. establish the student's eligibility for the aid;
  - B. determine the amount of financial aid;
  - C. establish the conditions for the receipt of the financial aid or
  - D. enforce the agreement between the provider and the receiver of financial aid;
4. if a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials;
5. when the ESC has entered into a written agreement or contract for an organization to conduct studies on the ESC's behalf to develop tests, administer student aid or improve instruction;

6. when accrediting organizations need those records to carry out their accrediting functions;
7. when parents of eligible students claim the student as a dependent;

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8. when it is necessary to comply with a judicial order or lawfully issued subpoena; the ESC makes a reasonable effort to notify the student's parent(s) or the eligible student before making a disclosure under this provision and
9. if the disclosure is an item of directory information and the student's parent(s) or the eligible student has not refused to allow the ESC to designate that item as directory information for that student.

The ESC permits any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

1. the official deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
2. the information is necessary and needed because of the emergency;
3. the persons to whom the information is to be disclosed are qualified and in positions to deal with the emergency or
4. time is an important and limiting factor in dealing with the emergency.

ESC officials may release information from a student's education records if the student's parent(s) or the eligible student gives his/her prior written consent for the disclosure. The written consent must include at least:

1. a specification of the records to be released;
2. the reasons for the disclosure;
3. the person or the organization or the class of persons or organizations to whom the disclosure is to be made;
4. the parent(s) or student's signature and
5. the date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parent(s) or the eligible student may obtain a copy of any records disclosed under this provision.

The ESC does not release information contained in a student's education records, except directory information, to any third parties, except its own officials, unless those parties agree that the information is not redisclosed, without the parent(s)' or eligible student's prior written consent.



## RECORDS OF REQUESTS FOR ACCESS AND DISCLOSURES MADE FROM EDUCATION RECORDS

The ESC maintains an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. the name of the person who or agency which made the request;
2. the interest which the person or agency has in the information;
3. the date on which the person or agency made the request and
4. whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The ESC maintains this record as long as it maintains the student's education record.

The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student, requests for access or access granted to officials of the ESC who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s) or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

## PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights.

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

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



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

If the custodian cannot change the records to the requester's satisfaction, or the records do not appear to be obviously incorrect, he/she:

1. provides the requester a copy of the questioned records at no cost;
2. asks the requester to initiate a written request for the change and
3. follows the procedure for a second-level decision.

Second-level decision. The written requests to correct a student's education records through the procedure at this level should specify the correction which the requester wishes the ESC to make. It should at least identify the item the requester believes is incorrect and state whether he/she believes the item:

1. is inaccurate and why;
2. is misleading and why and/or
3. violates student rights and why.

The request is dated and signed by the requester.

Within two weeks after the records custodian receives a written request, he/she:

1. studies the request;
2. discusses it with other school officials; (the person who made the record or those who may have a professional concern about the ESC's response to the request)
3. makes a decision to comply or decline to comply with the request and
4. completes the appropriate steps to notify the requester or moves the request to the next level for a decision.

If, as a result of this review and discussion, the records custodian decides the records should be corrected, he/she effects the change and notifies the requester in writing that he/she has made the change. Each such notice includes an invitation for the requester to inspect and review the

student's education records to make certain that the records are in order and the correction is satisfactory.

If the custodian decides the records are correct, he/she makes a written summary of any discussions with other officials and of his/her findings in the matter. He/She transmits this summary and a copy of the written request to the Superintendent.

Third-level decision. The Superintendent reviews the material provided by the records custodian and, if necessary, discusses the matter with other officials such as the school attorney or the Board (in executive session). He/She then makes a decision concerning the request and completes the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it takes longer, the Superintendent notifies the requester in writing of the reasons for the delay and indicates a date on which the decision will be made.

If the Superintendent decides the records are incorrect and should be changed, he/she advises the record custodian to make the changes. The record custodian advises the requester of the change as he/she would if the change had been made at the second level.

If the Superintendent decides the records are correct, he/she prepares a letter to the requester which includes:

1. the District's decision that the records are correct and the basis for the decision;
2. a notice to the requester that he/she has a right to ask for a hearing to present evidence that the records are incorrect and that the ESC grants such a hearing;
3. advice that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense and
4. instructions for the requester to contact the Superintendent or his/her designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The ESC is not bound by the requester's positions on these items but may, as far as feasible, arrange the hearing as the requester wishes.)

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

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

Within one week after the hearing, the hearing officer submits to the Superintendent a written summary of the evidence submitted at the hearing. Together with the summary, the hearing officer submits his/her recommendation, based solely on the evidence presented at the hearing, that the records should be changed or remain unchanged.



The Superintendent prepares the District's decision within two weeks of the hearing. That decision is based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. The District's decision is based solely on the evidence presented at the hearing. The Superintendent may overrule the hearing officer if he/she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the District's decision, the Superintendent takes one of the following actions.

1. If the decision is that the ESC changes the records, the Superintendent instructs the records custodian to correct the records. The records custodian corrects the records and notifies the requester as in the context of the second-level decision.
2. If the decision is that the ESC does not change the records, the Superintendent prepares a written notice to the requester which includes:
  - A. the District's decision that the records are 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. advice to the requester that he/she may place in the student's education records an explanatory statement which states the reasons why he/she disagrees with the District's decision and/or the reasons he/she believes the records are incorrect.

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

(Approval date: January 7, 2003)

