

## **RETENTION AND DESTRUCTION OF DOCUMENTS**

This policy is adopted to ensure that FSILC complies in good faith with state and federal laws regarding the preservation of information and records. Records covered by this policy are those created or received by FSILC that involve: (1) the transaction of official business; (2) the expenditure of public funds; or (3) the administration of public property. This policy is to be used as a guideline for the retention, preservation and disposal of certain records.

As used in this policy, “record” means any document, book, paper, photograph, microfilm, computer tape, disk, record, sound recording, film recording, video record or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business the expenditure of public funds, or the administration of public property. Record does not mean computer software, non-FSILC personal effects, or (unless public disclosure is required by other laws or regulations), personal financial information, credit reports or other financial data obtained by or submitted to FSILC for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with FSILC.

### Records to be Retained

1. *Permanent Records* are those records that possess continuing value because they document the organization, functions, policies, decisions, procedures, and essential transactions of FSILC or protect the legal and financial rights of FSILC and persons directly affected by FSILC . They must be retained permanently.
2. *Essential Records* mean those FSILC records necessary to the operation of FSILC during an emergency created by a disaster, or necessary to protect the rights and interests of persons or to establish and affirm powers and duties of FSILC and its related entities in the resumption of operations after a disaster. Essential records are designated for permanent preservation and FSILC should be careful to ensure that a minimum of 2 copies of the records are maintained at different locations to avoid loss or destruction.
3. *Statutorily Required Records* mean those FSILC records that are required by state or federal law to be preserved for a finite period of time and in accordance with applicable record keeping requirements.
4. *Other Records* mean those records that are not Permanent Records, Essential Records, or Statutorily Required Records. Other Records should be retained, at FSILC’s discretion, for so long as they are needed.
5. This policy does not apply to copies of records created for the user’s convenience.

## Format of Retained Records

Retention requirements apply equally to electronic and paper records. This Document Retention policy does not specify which formats shall be used for records creation and retention. This policy's objective is provide FSILC with the discretion to maintain individual records in the most efficient and cost effective format consistent in accordance with sound records management principles or as required by law. To the extent paper records are to be retained, originals should be retained to the extent practical.

### 1. Microformat

FSILC may elect to maintain records on microforms or in electronic format provided the following conditions are satisfied:

- A. All microfilming and microfiching is performed in accordance with law, including Archives and Records Commission;
- B. FSILC retains at least one (1) user copy of all master negatives; and
- C. The use of microformats is not prohibited by state and federal law.

### 2. Optical Imaging Systems

FSILC may elect to retain records in an optical imaging format provided the following conditions are satisfied:

- A. All optical imaging systems and applications are in compliance with Archives and Records Commission; and
- B. The storage of records in optical imaging format is not prohibited by state and federal law.

## Storage of Records

### 1. Off-Site Records Storage

FSILC may store records at an off-site storage center. An off-site storage center may be used provided:

- A. Records can be removed from the office environment;
- B. Access to records is limited to only authorized personnel;
- C. Information retrieval services are available, including the ability to make copies;
- D. The storage of records in an off-site storage center is not prohibited by state and federal law.

## 2. On-Site Records Storage

FSILC may store records at an on-site storage center. An on-site storage center may be used provided:

- A. Records can be removed from the office environment;
- B. Access to records is limited to only authorized personnel; and
- C. Information retrieval services are available, including the ability to make copies;
- D. The storage of records in an on-site storage center is not prohibited by state and federal law.

### Electronic Recordkeeping Systems (except e-mail systems)

If FSILC elects to store records in an electronic recordkeeping system, the following conditions apply:

1. All electronic records must be backed up on a regular basis and all back up media must be stored in separate locations under proper environmental conditions;
2. All data must be secured against accidental or unauthorized addition, modification, or deletions of records; and
3. The maintenance of records in an electronic format is not prohibited by state or federal law.

### E-Mail Systems

Electronic mail (e-mail) records that need to be preserved should be either:

1. Printed in hard copy and kept in the appropriate file;
2. Downloaded to a computer file and kept electronically or on disk as a separate file; or
3. Stored in an electronic recordkeeping system accordance with Section III.

### Responsibility for Oversight and Implementation and Additional Provisions

Responsibility for oversight and implementation of this policy is vested in the executive director or such person(s) designated by the executive director. Nothing within this policy prevents the executive director or his or her designee from prescribing additional document retention and/or destruction requirements as the need arises.

**FIVE STAR INTERLOCAL COOPERATIVE  
BOARD OF DIRECTORS POLICY**

*Section III – General*

Adopted: September 9, 2003

Revised: March 7, 2012

Revised: February 6, 2013

**OPEN RECORDS**

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

FSILC's Philosophy

FSILC, as a tax supported institution, recognizes that the public has a right to be fully informed concerning its operations. FSILC strongly believes that informed citizens are vital to the successful functioning of the democratic government process which FSILC desires to exemplify to students served at member sites.

In order to achieve these goals, the board hereby states that all records of FSILC, except those records designated as confidential in this policy statement, 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 FSILC shall be accorded prompt access to those records.

Confidential Records Not Available for Inspection

As permitted by the Act, FSILC 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, 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 FSILC as directory information and (ii) parents have been notified of and have not exercised their non-release rights.
  - A. Instructor lesson plans, tests and other teaching materials.
  - B. Personal communications concerning individual students.
  - C. 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.
  - D. The home address of any person employed or formerly employed by FSILC.
  - D. The home telephone number of any person employed or formerly employed by FSILC , where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Records Custodian

The board hereby designates its executive director, or if such person is not available during regular business hours, then the executive director's secretary as the person authorized to release non-confidential public records for inspection, copying or mechanical reproduction.

Fees for Records and for Search of 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"	actual cost

*Electronic Production:*

Data collection	\$100 per hour
Document conversion (TIFF or PDF)	\$.25 per page

When a request for public records would clearly cause excessive disruption of FSILC's essential functions or is solely for commercial purpose FSILC will charge a reasonable fee in the amount of \$25.00 per hour to recover the direct cost of document search. FSILC will also charge a reasonable fee in the amount of \$25.00 per hour for time spent reviewing and, if necessary, redacting records prior to production. In the event the nature of the records requested requires outside assistance for compilation, review or production, the individual requesting the information will be assessed the actual cost charged to FSILC.

FSILC does not consider publication in a newspaper or broadcast by news media as resale or use of data for trade or commercial purpose. However, FSILC 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 FSILC, FSILC may request a deposit, to be set by the records custodian, to be made at the time of the request.

#### Request for Records

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

An individual requesting public records, pursuant to the Act, is requested to use FSILC's Request Form to expedite the processing of the request.

#### 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 executive director.

**FIVE STAR INTERLOCAL COOPERATIVE  
BOARD OF DIRECTORS POLICY**

*Section III – General*

Adopted: September 9, 2003

Revised: March 7, 2012

Revised: February 6, 2013

**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>1</sup>	<i>\$10.00 per tape</i>
Audio tape or CD copy <sup>2</sup>	<i>\$10.00 per tape</i>
Mailing fee (if mail delivery is requested)	<i>Actual cost</i>
Research fee (for research of paper documents exceeding 15 minutes)	<i>\$25.00 per hour</i>
Research fee (for research of electronic records exceeding 15 minutes)	<i>\$100.00 per hour</i>
Electronic data conversion (TIFF or PDF)	<i>\$.25 per page</i>

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<sup>1</sup> For each video tape or DVD copy requested, requestor must supply a new, blank standard VHS tape or DVD.

<sup>2</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.

**FIVE STAR INTERLOCAL COOPERATIVE  
BOARD OF DIRECTORS POLICY**

*Section III – General*

Adopted: September 9, 2003

Revised: March 7, 2012

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**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 authorizes the executive director 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 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. FSILC will assume that either parent has a right of access to records regardless of custody orders unless FSILC 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 FSILC 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 FSILC or a party acting for FSILC, 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 FSILC, but only if education records maintained by FSILC 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 FSILC 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 FSILC 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 FSILC 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

FSILC will notify parents and eligible students annually of their rights under FERPA by means of a FSILC 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. FSILC 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 FSILC's alleged failure to comply with FERPA.

FSILC 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 FSILC administrative office 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.

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

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

Parents or eligible students should submit to the Executive Director 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 Executive Director 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.

FSILC 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.

### Copies of Records

FSILC 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 FSILC.
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 FSILC 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 FSILC has forwarded the records to a school where the student seeks or intends to enroll.

FSILC 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, FSILC 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.

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

### Types and Locations of Education Records in FSILC

Five Star records are maintained at the administrative offices:

c/o Executive Director  
1405 E. Moses  
Cushing, OK 74023

### Directory Information

Member school districts will, in most instances, designate 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.

Member school districts will, likewise, notify parents and eligible students annually of the designated items of directory information by means of a FSILC newsletter, newspaper notice, handbook or individual notice. Parents and eligible students have the right to exclude directory information from public access by notifying the executive director's office in writing of any or all of the items they refuse to permit FSILC to designate as directory information about that student. The student's records will be marked to indicate the items FSILC 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

FSILC 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.

FSILC 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 FSILC whom FSILC has determined to have legitimate educational interests.

A school official is a person employed by FSILC 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 FSILC 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. FSILC will use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. FSILC 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 FSILC 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 FSILC would otherwise use employees; is under FSILC's direct control concerning the use and maintenance of education records; and is subject to the requirements of FERPA regulations governing the use and redisclosure 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 FSILC 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. FSILC 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. FSILC initiates legal action against a parent or student, FSILC may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for FSILC to proceed with the legal action as plaintiff; or
  - e. the parent or eligible student initiates legal action against FSILC, FSILC may disclose to the court, without a court order or subpoena, the student's education records that are relevant for FSILC 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 FSILC 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 FSILC 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 FSILC 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, Five Star 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

FSILC will use reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom FSILC 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

FSILC 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. FSILC 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.

FSILC 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 FSILC disclosed the information.

As permitted by FERPA, FSILC 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. FSILC will inform a party to whom such disclosure is made of this nondisclosure requirement.

In the alternative, FSILC may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosure of the information on FSILC'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. FSILC makes a record of the disclosure that includes the names of the additional parties to whom the receiving party may disclose the information on FSILC's behalf and the legitimate interests each additional party has in requesting or obtaining the information (§99.32(b)); and
3. FSILC 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. FSILC will not use this procedure to consider a request to change the grade a teacher assigns for a course.

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 FSILC to correct a record.

To establish an orderly process to review and correct an education record for a requester, FSILC 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 FSILC 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 FSILC'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 executive director.

Third level decision - The executive director 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 (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 executive director 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 executive director 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 executive director or designee decides the record is correct, he or she will prepare a letter to the requester which will include:

1. FSILC'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 FSILC will grant such a hearing;

3. Instructions for the requester to contact the executive director or designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (FSILC 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 executive director or designee will, within a week, notify the requester when and where FSILC 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 executive director 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 executive director or designee will prepare FSILC'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, FSILC's decision will be based solely on the evidence presented at the hearing. Therefore, the executive director 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 FSILC's decision, the executive director or designee will take one of the following actions:

1. If the decision is that FSILC will change the record, the executive director 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 FSILC will not change the record, the executive director or designee will prepare a written notice to the requester, which will include:
  - a. FSILC'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 FSILC'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 FSILC's decision and/or the reasons he or she believes the record is incorrect.

Final administrative step in the procedure - When FSILC 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 FSILC believes that FSILC 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 executive director's office.

## **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 FSILC receives a request for access.

Parents or eligible students must submit a written request to the executive director that identifies the record(s) they wish to inspect. The executive director 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 FSILC 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 executive director, 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 FSILC decides not make changes in the record as requested, FSILC 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 FSILC 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 FSILC 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, FSILC will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

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

FSILC must annually ensure notice to parents and eligible students, through member school sites, 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 FSILC 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 FSILC, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, FSILC may disclose appropriately designated "directory information" without written consent, unless you have advised FSILC to the contrary in accordance with FSILC procedures. The primary purpose of directory information is to allow FSILC 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) 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 FSILC to disclose directory information from your child's education records without your prior written consent, you must notify the Executive Director in writing. FSILC 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.

Consent provided to a member school is deemed consent for FSILC.

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.

\_\_\_\_\_ 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

**CUSTODIAL AND NONCUSTODIAL PARENTAL RIGHTS**

It is the policy of FSILC that a parent who is awarded legal custody of a child by court action shall file a copy of the court decree awarding such custody with the school site, with FSILC, or both. If the custodial parent does not wish the child to be released to the noncustodial parent, an appropriate written instruction should also be filed with the school.

All staff members are instructed to refer any questions to the appropriate building principal or the site superintendent.

Absent a court order to the contrary, both natural parents have the right to view the student's school records; to receive school progress reports; to visit the child briefly at school; and to participate in parent and teacher conferences (not necessarily together in the same conference).

## **DISABILITY ACCOMMODATIONS**

FSILC will take reasonable steps to accommodate patrons and students with disabilities.

Employment opportunities will not be withheld from any qualified person solely because of a known disability. FSILC will make reasonable accommodations to the known physical or mental limitations of a qualified person, unless it can be shown that the accommodation would impose an undue hardship on the operation of FSILC.

For the purposes of this policy, the term “reasonable accommodation” may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, re-assignment to a vacant position, acquisition or modification of equipment, modifications or examinations and training, the provision of qualified readers and other similar and reasonable accommodation.

### Plan for Assessing Undue Hardship

FSILC is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. Undue hardship is defined by the Americans with Disabilities Act ("ADA") as an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

FSILC will evaluate and determine whether a particular accommodation will impose an undue hardship on a case-by-case basis. The factors to be considered are as follows:

1. The nature and cost of the accommodation needed.
2. The financial resources of the facility making the accommodation, the number of employees, at the facility, and the effect on expenses and resources of the facility.
3. The overall financial resources, size, number of employees, and type and location of facilities of the entity covered by the ADA.
4. The operation of FSILC including the structure and functions of the work force, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the larger entity.
5. The impact of the accommodation on the operation of the facility that is making the accommodation.

Each of the related factors will be considered in determining whether an accommodation will pose an undue hardship. The ADA compliance officer will investigate the accommodations under consideration and will issue a report examining the accommodations in view of the factors listed.