



## **RECORDS/RETENTION/CONFIDENTIALITY**

The orderly acquisition, storage and retention of School records and reports are essential for the overall efficient and effective operation of the School, the Governing Authority of Legacy Academy of Excellence will be following the below policies procedures to adhere to the Ohio Revised codes.

### Records Commission

The records commission shall consist of the Governing Authority president, Fiscal Officer, and the Superintendent or head administrator.

The members of this commission may appoint necessary records official(s) to carry out the necessary work associated with the School's records. The records commission shall meet at least once annually to review the certificates of records disposal as submitted by the commission or any records official. Upon the approval of the commission, such records may be disposed of, pursuant to the following standards:

### Certificate of Records Disposal

Prior to disposing of any School records, the members of the Records Commission, or the records officers, if any, shall submit to the records commission a Certificate of Records Disposal ("Certificate") (Form RC-3). The submitted Certificate(s) shall list records that are eligible for disposal pursuant to the Schedule. The records commission shall meet at least once each year to review the submitted Certificates. Following approval of the Certificate(s) by the records commission, the guidelines stated below shall be adhered to.

- The records commission shall make a copy of all approved Certificates and shall maintain these copies for its records.
- The original Certificate(s) shall be forwarded to the Ohio Historical Society Network Specialist for the county in which the School is located no later than fifteen (15) days prior to the proposed disposal date. The records commission does not need to send a copy of the Certificate(s) to the State Auditor's office. The Ohio Historical Society Network Specialist shall send a copy.
- The Records Commission shall wait at least fifteen (15) days after forwarding the Certificates to the Ohio Historical Society Network Specialist before disposing of the indicated records. During this time period, the records commission may be notified that the proposed disposal is inappropriate or that the Ohio Historical Society considers some or all of the documents to have continuing historical value and wishes, therefore, to take custody of them. The Ohio Historical Society may not review or select for its custody any of the following:
- Records containing personally identifiable information concerning any student, without the written consent of the parent, guardian, or custodial of each such student who is less



than eighteen (18) years of age, or without the written consent of each student who is eighteen (18) years of age or older.

- Records, the release of which would, according to the “Family Educational Rights and Privacy Act of 1974,” 88 Sta. 571, 20 U.S.C.A. 1232g, qualify disqualify a school or other educational institution from receiving federal funds.
- At the end of the fifteen (15) day period, any records which have not been opposed to or taken custody of may be disposed. The Fiscal Officer, serving as secretary of the records commission, shall arrange for the appropriate disposal of such documents.

### E-mails and Other Correspondence

E-mails and other forms of correspondence are not considered a record. Instead, these messages should be categorized, retained, stored, and disposed of based upon the contents of each email or other form of correspondence. As suggested by the Ohio Historical Society, e-mail correspondence can be grouped into four (4) different categories:

*Not an Official Record.* If an e-mail or correspondence does not document the organization, functions, policies, decisions, procedures, operations, or other activities of the School, it is not considered a “record” and, therefore, may be deleted immediately. Examples of non-records include personal messages as well as publications, promotional items, and similar materials (unless it is part of a larger material that is considered a record).

*Official Record of Transient Retention.* If an e-mail or other correspondence serves a limited administrative value, then it shall be retained only until it no longer serves its limited administrative purpose. Examples of official records of transient retention include messages regarding upcoming meetings and messages which substitute for verbal conversation, as might otherwise occur in the hallway or on the telephone. Official records of transient retention do not discuss policy or establish guidelines.

*Official Record of Intermediate Retention.* Official records of intermediate retention are those records considered general or routine correspondence. Routine correspondence, includes referral letters and requests for routine information, and shall be retained for a period of six (6) months.

General correspondence, includes informative letters and memos pertaining to agency and legal interpretations, and shall be retained for a period of one (1) year.

*Official Record of Long-Term Retention.* Official records of long-term retention are those records which discuss policy, create rules or guidelines, or otherwise deal with significant administrative duties and responsibilities. These records shall be retained according to the Schedule as adopted by the Governing Authority.



## E-Mail Storage

E-Mails may be stored in the following formats:

- on-line storage, where the e-mail is maintained in the e-mail system;
- near-line storage, where the message is stored in an electronic record-keeping system; and
- off-line storage, where the message is physically printed and stored accordingly.

In order to assure that all necessary e-mails records are preserved, one of the following guidelines shall be adopted:

- the individual who sends the e-mail is responsible for its retention. If an e-mail is received from outside the School, any individual who receives the e-mail is responsible for its retention.
- a special mailbox is created, and each time an e-mail is sent, the sender shall send a carbon copy (cc) to said mailbox. The party charged with administering the mailbox, such as the compliance department, shall retain the e-mails as necessary.

## **Schedule of Records Retention and Disposition**

The School has adopted the forms provided by the Ohio Historical Society. The Record retention forms are available on the Ohio Historical Society's website:

<http://ww2.ohiohistory.org/resource/lgr/forms.html>

Compliance with Ohio Privacy Act:

The Administrator develops and implements a comprehensive and efficient system of personnel records. The executive assistant is hereby designated as the employee directly responsible for the personnel records system. The following guidelines govern such records.

1. Personnel files contain records and information relative to compensation, payroll deductions, evaluations and such information as may be required by State or Federal law or considered pertinent by the Superintendent. Anonymous material or material from an unidentified source are not placed in a staff member's file.
2. A personnel file for each employee is accurately maintained in the District office in accordance with administrative regulations incorporating the requirements set forth under the Ohio Privacy Act for the protection of employees. Employees will be notified whenever personal information concerning them is placed in their file



3. State law requires that all public records be promptly prepared and made available for inspection to any member of the general public at all reasonable times during regular business hours. Upon request, the person directly responsible for personnel records is required to make copies available at cost, within a reasonable period of time.

### **Records Policy**

“Public record” means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section [3313.533](#) of the Revised Code

The public has access to all records in the personnel file with the following exceptions:

- A. medical records;
- B. records pertaining to adoption, probation or parole proceedings;
- C. trial preparation records;
- D. confidential law enforcement investigatory records;
- E. Social Security number and
- F. records of which the release is prohibited by State or Federal law.

Additional exceptions are listed in Ohio Revised Code Section 149.43.

5. The District is required to keep reports of investigations of employee misconduct in the employee’s personnel file, unless the State Superintendent of Public Instruction or his/her designee determines that the report does not warrant taking action against the employee. If the State Superintendent of Public Instruction or his/her designee determines no action is warranted, the investigation report must be moved from the employee’s personnel file to a separate public file.

6. Each employee has the right, upon written request, to review the contents of his/her own personnel file. If a document is not disclosed to the employee because it is determined by a physician, psychiatrist or psychologist to be likely to have an adverse effect upon the employee, the document will be released to the designated medical authority. Requests are made to the Superintendent and scheduled for a time convenient for the parties involved.

7. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and becomes part of the employee’s personnel file after the appeal procedure outlined in the Ohio Revised Code. The appeal procedure permits any employee who disputes the accuracy, relevance, timeliness or



completeness of information maintained in his/her file to compel the District to investigate the current status of the information.

8. Personnel records should be reviewed only within the confines of the Chief Operation Office.

### **Student Records and Release of Information**

Legacy Academy of Excellence maintains records of students. The School prohibits the release of personally identifiable information except as is permitted by law or by this policy manual. The Student Record File is available to the student, the Student's Parents/legal guardians, or school officials who have a legitimate purpose for accessing the File.

#### **Access by Parents & Students:**

The student's parents/guardian, or if the student is eighteen (18) years of age or older, the student himself/herself, may request to:

- *Inspect and Review Education Records.* Records requests are to be made in writing and shall be conducted within forty-five (45) days of the School's receipt of the request.
- *Challenge the accuracy of information contained in the records.* A parent or qualifying student may challenge the content of such student's education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students. The School shall provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data and to insert into such records a written explanation of the parents respecting the content of such records. Should the School decide not to amend the records, the School shall advise the requesting party of their right to a hearing regarding the request for amending the record.
- *Authorizing Release of Written Information.* Records requests by parents/guardians or eligible children are to be made in writing.

#### **Release of Information:**

The School may release "directory information" as provided under Ohio and Federal law. Directory information includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, date of graduation, sports and activities participated in, degrees; honors and awards received; most recent educational agency or institution attended, and in the case of athletic team members, the height and weight of the student. If the School chooses to issue personally identifiable information, then it must provide a proper notice.

The School may release "personally identifiable information" in certain instances. This information may be released to/for:

- *School Officials.* Teachers and other School Officials having legitimate educational interests may make access a student's records. A legitimate educational interest includes: accessing the record pertains to a task in the official's job description, contract, or other



document of employment; pertains to a task relating to educating, disciplining, or providing service to the student or the student's family; or any other purpose the School deems necessary.

- *Officials in Other Schools.* Officials of other schools may have access when the student intends to enroll. Parents must be notified and given an opportunity to challenge the content of the record
- *State and Federal Officials.* State and federal officials may access a student's record for purposes of audits and law enforcement investigations.
- *Financial Aid.* Persons requesting such records in connection with the student's application for financial aid;
- *Military Recruiters.* Pursuant to Ohio and Federal Law, the School will provide student information of students in grades ten (10) through twelve (12), upon request to any recruiting officer for any branch of the United States armed forces who requests such information. Any data received by a recruiting officer shall be used solely for the purpose of providing information to students regarding military service and shall not be released to any person other than individuals within the recruiting services of the armed forces. The School will provide notice that a student's parent, guardian, or custodian may request in writing that the School not release the information to military recruiters. Upon receiving such a written notice, the School will not release the student's information.
- *Anti-Terrorism Purposes.* In certain instances, student records may be obtained by an Assistant U.S. Attorney General or higher-ranking federal official.
- *Court Orders or Subpoenas.* Student records may be produced in response to a court order or a lawfully issued subpoena.
- *Missing Children.* Information may be provided to a law enforcement officer when the officer indicates an investigation is ongoing and the student may be or is a missing child, as defined by the Revised Code.
- *Personal Knowledge.* A School Official may release information when it is obtained through the official's personal knowledge or observation and not the education record.
- *Ohio Department of Education Requests.* The School shall provide the Ohio Department of Education (ODE) with student information when (1) a testing company has notified the ODE that the student's written response to a question included threats or descriptions of harm to another person or the student's self and the information is necessary to enable the department to identify the student, (2) the ODE requests information to respond to an appeal from the School on an achievement test, or (3) to determine if the student satisfies alternative conditions for a high school diploma.
- *The School's Sponsor.* The School may provide its Sponsor with access to student or other records if agreed to and required in the School's Charter Contract with its Sponsor.
- *Health & Safety Emergency.* The School may disclose personally identifiable information to necessary parties if knowledge of the information is necessary to protect the health or safety of a student or others.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity



must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Governing Authority. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education.

### **Transfer of Records**

The School shall transfer all records to another school upon being notified the student has transferred and the transferring school requests the records files.

#### **Security of Records**

To maintain the security and confidentiality of the documents, the School shall require an employee to be present when records are inspected. The School shall also maintain a record log

of all persons whom access a student's records. The log must identify (1) all individuals and agencies that are granted access and (2) a statement regarding the legitimate interest in obtaining student information. The student log must be signed by employees of the School as well as non-school employees.

#### **Sealed Records**

The School shall comply with any court order regarding the sealing of a current or former student's records under R.C. 2151.357; provided, however, that the School shall retain records as permitted under R.C. 2151.357 for any student who has been permanently excluded under Sections 3301.121 and 3313.62 of the Revised Code, where those records are regarding an adjudication that the student is a delinquent child that was used as the basis for the student's permanent expulsions. Except as permitted by Sections 3301.121, 3313.662, or 2151.358 of the Revised Code, no officer or employee of the School shall release, disseminate, or otherwise make available records of a student which have been sealed pursuant to R.C. 2151.357 for any purpose involving employment, bonding, licensing, or education to any person or to any department, agency, or other instrumentality of the state or of any of its political subdivisions any information or other data concerning any arrest, taking into custody, complaint, indictment, information, trial, hearing, adjudication, or correctional supervision.

#### **Confidential & Public Records**

With reasonable notice, the School will allow any person to inspect the School's public records. Inspections are to be conducted during the office's regular business hours and in the presence of



an employee or representative of the School. Original records may not be removed unless authorized. The record request will be approved or denied by the Compliance Director.

Public Record is defined to be consistent with Ohio Revised Code 149.43. The School shall treat as confidential all records from state agencies that are treated as confidential. The information shall be held as confidential unless directed by law or court.

ORC. 3319.321, 2151.357, 3301.121, 3313.662, 2151.356, 3313.719