

IN THE SUPREME COURT OF OHIO

Case No. \_\_\_\_\_

Original Action in Mandamus

14-0749

School Choice Ohio, Inc.

Relator,

v.

Cincinnati Public School District

- and -

Springfield City School District

Respondents.

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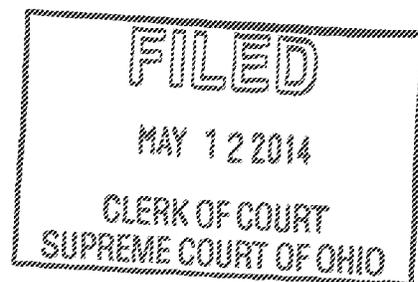
AFFIDAVIT OF SARAH PECHAN

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I, Sarah Pechan, hereby affirm, declare and testify under oath and subject to penalty of perjury, as follows:

1. I am the Senior Director of Programs for School Choice Ohio, Inc. ("School Choice Ohio"), a party to this action, and I am authorized and competent to make this Affidavit for and on its behalf. I have read the foregoing Complaint for Alternative and Peremptory Writs of Mandamus and have personal knowledge of the averments of fact set forth therein.



2. School Choice Ohio is a non-profit organization under 501(c)(3) of the Internal Revenue Code located in Columbus, Ohio, and is the only statewide organization that educates parents on their education options and advocates for the expansion of quality options for every Ohio child.

3. Since 2005, School Choice Ohio has been reaching out to Ohio families by mail, phone, email, social media and community events to inform them about the education options that are available for their children, including opportunities under the scholarship programs outlined above. To reach out to eligible families, School Choice Ohio needs to know which students are eligible for one or more of the school choice options available under Ohio law and how to contact those students' families.

4. Ordinarily, School Choice Ohio obtains that information by making public records requests to school districts in Ohio. Two school districts, however, have not been forthcoming at all with the information School Choice Ohio needs.

5. On October 22, 2013, School Choice Ohio sent a written public records request to Cincinnati Public Schools seeking certain "directory information" for students enrolled in the district, a true and accurate copy of which is attached as Exhibit A. School Choice Ohio requested this information from Cincinnati Public Schools so it could communicate with the families of students in the district regarding their education options under Ohio law.

6. Cincinnati Public Schools responded on November 15, 2013, a true and accurate copy of which is attached as Exhibit B.

7. A true and accurate copy of a page from Walnut Hills High Schools' website regarding the student directory published by the Walnut Hills High School Association is attached as Exhibit C.

8. A true and accurate copy of pages from Kilgour Elementary School's PTA website regarding its student directory is attached as Exhibit D.

9. On February 24, 2014, School Choice Ohio sent a further written public records request to Cincinnati Public Schools, a true and accurate copy of which is attached as Exhibit E. To date, School Choice Ohio has not received any response from Cincinnati Public Schools to its February 24, 2014, request.

10. On October 22, 2013, School Choice Ohio sent a written public records request to Springfield City Schools seeking certain "directory information" for students enrolled in the district. School Choice Ohio requested this information from Springfield City Schools so it could communicate with the families of students in the district regarding their education options under Ohio law. Springfield City Schools responded on October 22, 2013. The policy Springfield City Schools provided with its response was different from the policy posted on its website at the time School Choice Ohio made its initial public records request. On January 9, 2014, School Choice Ohio again requested in writing that Springfield City Schools provide the "directory information" it had

requested. School Choice Ohio's January 9, 2014, letter also enclosed a copy of the policy posted on Springfield City Schools' website at the time School Choice Ohio made its initial public records request. True and accurate copies of the foregoing are attached as Exhibit F.

11. Springfield City Schools responded on January 13, 2014, a true and accurate copy of which is attached as Exhibit G.

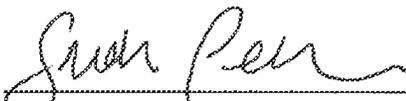
12. On February 24, 2014, School Choice Ohio sent a further written public records request to Springfield City Schools by certified U.S. mail, a true and accurate copy of which is attached as Exhibit H.

13. Springfield City Schools responded by letter on April 4, 2014, a true and accurate copy of which is attached as Exhibit I. Springfield City Schools' letter enclosed copies of correspondence and related documents, including:

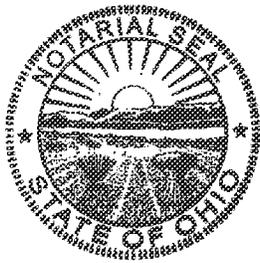
- a. A January 5, 2013, email sent by Springfield City Schools employee Kim Fish, a true and accurate copy which is attached as Exhibit J.
- b. An April 25, 2013, email sent by Ms. Fish, a true and accurate copy of which is attached as Exhibit K.
- c. A copy of Under Springfield City Schools' FERPA policy, adopted on June 12, 2013, a true and accurate copy of which is attached as Exhibit L.
- d. A new "Acceptable Use Policy & Directory Information Consent" form and policies, a true and accurate copy of which is attached as Exhibit M.

- e. An August 7, 2013, emails email string regarding a request by Clark State Community College, a true and accurate copy of which is attached as Exhibit N;
- f. An August 27, 2013, email string regarding a request by Springfield Christian Youth Ministries, a true and accurate copy of which is attached as Exhibit O
- g. An October 22, 2013, email from David Estrop, a true and accurate copy of which is attached as Exhibit P; and
- h. A January 21, 2014, request by Global Impact STEM Academy, a true and accurate copy of which is attached as Exhibit Q.

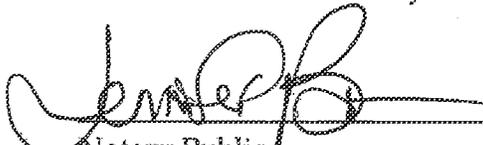
FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Sarah Pechan  
Senior Director of Programs  
School Choice Ohio, Inc.

9<sup>th</sup> AFFIRMED AND SUBSCRIBED to under oath before me by Sarah Pechan on this  
day of May, 2014.



Jennifer Brown  
Notary Public, State of Ohio  
My Commission Expires 01-17-2018

  
\_\_\_\_\_  
Notary Public

# **Exhibit A**

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**From:** Kaleigh Frazier <studentinfo@scoho.org>  
**Sent:** Tuesday, October 22, 2013 10:50 AM  
**Subject:** Student Directory Information Request  
**Attachments:** School Choice Ohio Public Records Request Template.xls

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear School District Treasurer:

Pursuant to the Ohio's Public Records Law, Ohio Revised Code § 149.43, the undersigned hereby makes the following public records request on behalf of School Choice Ohio, an Ohio not-for-profit organization. The information requested below will not be used for any profit making plans or activities, whatsoever.

According to Ohio Revised Code §3319.321(A), since we will not use the requested directory information in any profit making plan or activity, the information requested is accessible Ohio public school student directory information, and is a public record as defined by Ohio Revised Code § 149.43. **We request that your district provide us with the directory information for all students in the district, including district students who attend charter schools. Please provide a copy of the directory information on the attached Excel spreadsheet.** We request that these records be provided in electronic format (compact disc, email, flash drive, etc.). Because public school districts do not have an obligation to create new records, please provide copies of your existing student directories that span the grade levels requested.

**This purpose of this request is to communicate with families regarding their full range of education options.**

Please include the following directory information listed below for each student enrolled:

1. Student and parent's/guardian's name,
2. Parent's/Guardian's complete address, including email address,
3. Parent's/Guardian's telephone contact information,
4. Student's grade level for the 2013-14 school year, and
5. Student's school building for the 2013-14 school year

Ohio law requires a public entity to provide the requestor with the legal basis, in writing, for the failure to respond to any part of a public records request. Accordingly, if you have designated any part of the requested records as not subject to release, please provide the parts that are available, as well as the legal rationale for withholding the requested public records.

**Electronic records may be sent via email to Kaleigh Frazier at [studentinfo@scoho.org](mailto:studentinfo@scoho.org).**

Any physical version of the records (disc, flash drive, etc.) can be sent by United States Postal Service to:

School Choice Ohio  
Attention: Kaleigh Frazier  
88 E Broad St, Suite 640  
Columbus, OH 43215

Again, consistent with §3319.321(A), School Choice Ohio affirmatively represents that this information will not be used in a profit-making plan or activity nor will any information be disclosed to any other party in violation of §3319.321(B)(3).

We understand that you are entitled to a reasonable amount of time to fulfill the request. Consequently, if you will not be able to fulfill this request in approximately five (5) business days, please contact Kaleigh Frazier at [studentinfo@scoho.org](mailto:studentinfo@scoho.org) to make other arrangements.

We look forward to receiving the requested public records.

Sincerely,



Sarah Pechan  
Senior Director of Programs  
School Choice Ohio

# **Exhibit B**



Office of General Counsel  
Education Center 2651 Burnet Avenue Cincinnati, Ohio 45219  
Phone: 513-363-0114 Fax: 513-363-0055 [hoyingd@cps-k12.org](mailto:hoyingd@cps-k12.org)

November 15, 2013

**SENT VIA EMAIL**

School Choice Ohio  
Attn: Kaleigh Frazier  
88 E. Broad St., Suite 640  
Columbus, Ohio 43215  
[studentinfo@schoio.org](mailto:studentinfo@schoio.org)

**RE: Request for Cincinnati Public Schools' Directory Information**

Dear Ms. Frazier:

This letter responds to your request sent to Cincinnati Public Schools ("CPS") on October 16, 2013.

The Family Education Rights and Privacy Act, 20 U.S.C. § 1232(g), prohibits CPS from giving out any information which it has not designated as "directory information." CPS's Student Records policy limits directory information to student names, participation in officially-recognized activities and sports, and awards received. I attach a copy of the Board of Education's policy regarding student records and directory information.

The information you have requested, including parents' names, addresses, telephone number, grade level, and school building, is not directory information under CPS's policy. Accordingly, CPS cannot respond to this request.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Daniel J. Hoying".

Daniel J. Hoying  
Assistant General Counsel

# Cincinnati City School District

## Bylaws & Policies

### 8230 - STUDENT RECORDS

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials, and designated school personnel, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older, or a student of any age who is enrolled in a postsecondary institution.

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

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel), a person serving on the Board, a person or company with whom the Board 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/her tasks (including volunteers).

The Board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to any current suspension and expulsion, upon request to a private or public school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis.

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The records will be released upon the parent signing a Release of Records form.

</

B. provide "personally-identifiable" information to appropriate parties in connection with an emergency if such knowledge is necessary to protect the health and safety of the student or other individuals.

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C. require each person or party requesting access to a student's record to abide by Federal regulations and State laws concerning the disclosure of information.

</

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of educational records will receive explanation and interpretation of the records.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained.

## DIRECTORY INFORMATION

Each year the Superintendent shall provide public notice to students and their parents of its intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information": a student's name; participation in officially-recognized activities and sports; and awards received.

Parents will be asked to respond to the request by a specified date approximately three (3) weeks after the start of the school year.

Directory information shall not be provided to any organization for profit-making purposes.

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" by responding to the Board's annual request to restrict privacy information written notification to the Board.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, and telephone listing not be released. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or educational records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically

stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

R.C. 9.01, 149.41, 149.43, 1347 et seq., 3113.33, 3319.321

34 C.F.R. Part 99

20 U.S.C., Section 1232f through 1232j (FERPA)

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act

20 U.S.C. 7908

# **Exhibit C**



# Walnut Hills High School

[Parents](#) [Students](#) [Departments](#) [Fine Arts](#) [Athletics](#) [Alumni](#) [Guidance](#) [Library](#) [About Us](#)

## Parents

- » [WHHS Association](#)
- » [Get Involved](#)
- » [Fundraisers](#)
- » [Resource Guide](#)
- » [Prospective Students/Families](#)
- » [Login to Powerschool](#)
- » [Reporting Absences](#)
- » [WHHS Directory](#)
- » [Newsletter](#)
- » [Chatterbox](#)
- » [Student Handbook](#)
- » [Spirit Wear](#)

## Walnut Hills High School Directory

The Walnut Hills High School Association publishes the WHHS Directory in September using data from PowerSchool. The Directory is on sale during the Open House and in the Spirit Shop thereafter.

Please take a moment to log on to PowerSchool to check whether the information in the "Demographic" and "Email Alert/Phone Change" tabs is up to date. Email and Phone Numbers can be updated within PowerSchool. You will need to contact Julie Nash, the WHHS Registrar, for address and name changes.

**Opting Out:** If you would like to Opt Out of the directory, please send an email with "Opt Out" in the Subject line to WHHSDir\_OptOut@hotmail.com by September 6<sup>th</sup>. Please include each student's first and last names and current grade in the body of the email. You will receive a reply email when your request is received. If you do not receive a reply, please contact the Main Office to ensure your request is received.

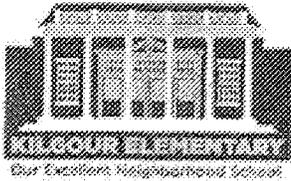
[Login to Powerschool](#)

[Home](#) | [Parents](#) | [Students](#) | [Departments](#) | [Athletics](#) | [Fine Arts](#) | [Alumni](#) | [Guidance](#) | [Library](#) | [Contact](#) | [About Us](#)

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Website designed, developed, and hosted by Agency Technologies, Inc.

Newsweek  
MAGAZINE  
2010

# **Exhibit D**



# Kilgour Synopsis

October 8, 2013

**3rd Grade Ohio Achievement Assessment: Reading – October 8**  
**6th Grade SCPP Testing (Terra Nova) – October 15 - 18**

## Calendar of Events & Activities

- October 8: 3rd Grade Ohio Achievement Assessment: Reading
- October 15-18: 6th Grade SCPP Testing (Terra Nova)
- October 18: End of 1st Quarter
- October 21: 2nd Quarter Begins
- October 24: Parent/Teacher Conferences
- October 25: Report Cards Distributed
- October 31: Costume Parade (K-3) & Harvest Jam (4-6)

## Principal Update

Thanks to everyone who attended the 2013 Open House. We hope that you found the event beneficial and received updates and more on your child's progress. The end of 1st quarter is Friday, Oct. 18th. Parent/Teacher conferences are scheduled for Oct. 24th, although some teachers may begin sooner to be sure to fit all parents in. Report cards will be distributed on Oct. 25th.

This week, Oct. 7-11, is October ADM week. This is the time that the state takes count on the enrollment for each school. It is critical that all students are present everyday, but especially during this week, as this impacts our funding. During this week, HOT BREAKFAST is also being provided (FREE) for all students that are interested.

- Wednesday - Turkey sausage, egg, and cheese sliders
- Thursday - Whole grain pancakes and cinnamon glaze
- Friday - Turkey sausage sandwich.

Each hot breakfast comes with a choice of milk 100% juice. Other breakfast entree choices will still be available each day including a variety of cold cereals, snack bars and yogurt.

## News from the Cafeteria

Besides the hot breakfast items being available everyday this week, hot breakfast items will be offered every Tuesday and Thursday October through April during this school year. During these months, we are excited to bring new breakfast items onto the menu that were student taste tested approved: Eggo Maple Pancakes; Turkey Sausage Breakfast Bagel; Eggo Blueberry Pancakes; Turkey Sausage Biscuit Sandwich; Turkey Sausage & Cheese Fritta; Trix All-Natural Strawberry Banana Yogurt; Father's Table Cherry Apple Crunch Bars and Blueberry Muffins.

## Websites to Learn about the New Common Core

## Kilgour Directory: Final Call

The Directory Editors will be downloading information from PowerSchool this week. This is your last chance to confirm your information is correct. If you haven't done so already, please take a moment to log onto PowerSchool by Thursday, October 10th to check whether the information in the "Demographic" and "Email Alert/Phone Change" tabs is up to date. Email and phone numbers can be updated within PowerSchool. To change address or name, you will need to contact Audrey Law at 513.363.3000 or lawaud@cpsboe.k12.oh.us.

## Upcoming Great Gathering

What: 2nd Annual Kilgour Chili Cook-Off!  
 When: Saturday, Oct. 12 from 6:30pm-9:30pm  
 Where: The Edies' Home

We have 5 spots left and are looking for participants to enter or hungry folks to just come and enjoy! For more information and/or to purchase tickets, visit the Great Gatherings page.

## Harvest Jam: Help Needed

It is almost time for the Harvest Jam, the annual party for grades 4 - 6! The students love to party, rock out and snack. That being said, your help is needed. Please consider volunteering and/or signing up to donate food and drinks. If you have any questions or concerns, please feel free to contact Tosh Gannaway and Stefanie Gerth at harvestjam@kilgourpta.org.

To sign up, go to:

[www.SignUpGenius.com/go/805054BA8A82AA20-harvest](http://www.SignUpGenius.com/go/805054BA8A82AA20-harvest)

## Attention: Room Parents

The final Silent Auction Class Creation projects are due to Liz Lemon Stoffregen on October 25th. Please note that this is a change from the date that was previously announced.

## Kilgour PTA Needs You!

Kilgour is an excellent school because of the work of its adult volunteers. The PTA has some openings if you are looking to become more involved in our school community:

**Skating Club Coordinator:** The Skating Club meets three times a year in the winter semester. The Skating Club Coordinator will make the reservation at the rollerskating rink, coordinate bus transportation, manage student and adult sign ups and publicize the event. If we cannot find someone to take on this role, there will no Skating Club this winter.

**Yearbook Editor:** The Kilgour yearbook editor will solicit and receive photos of activities from the Kilgour Community, layout the yearbook, publicize when it is time to order yearbooks and

### State Standards

- [www.achievethecore.org](http://www.achievethecore.org): This site has resources for parents and community members. When you open the site scroll to the bottom of the page and click on "For Parents and Community Members".
- [www.cgcs.org/domain/36](http://www.cgcs.org/domain/36): Contains parent resources per grade level and subject in printable booklets called "Parent Roadmaps to the Common Core Standards." These guides are published by the Council of the Great City Schools
- [www.pta.org/4446.htm](http://www.pta.org/4446.htm): National PTA parent guides to student success that are printable per grade level and subject
- [www.parconline.org](http://www.parconline.org) Partnership for Assessment of Readiness for College and Careers (PARCC) - The test consortium for Ohio that will develop Common Core Assessments

### Box Top Update

And the trophies go to Ms. Armstrong and Ms. Kavanaugh's classes! Both classes collected the most TOPS for the month of September and will both house the traveling trophy in their rooms until the end of October. Congratulations! In addition, thank you to all the participating classes and let's see if we can top September's totals! If you have questions about BOX TOPS for Education please contact [BOXTOPS@Kilgourpta.org](mailto:BOXTOPS@Kilgourpta.org).

Last Updated on Tuesday, October 8, 2013 8:55 am

coordinate the print. The previous yearbook editor has offered to assist this year's editor.

You can see these and other PTA opportunities on the Board listing page at <http://kilgourpta.org/board>. If you would like to volunteer or have questions, contact PTA presidents Sue Kraus and Anne Terlesky at [president@kilgourpta.org](mailto:president@kilgourpta.org).

### Keyboarding Club

The Keyboarding Club will be offered on Wednesdays from late October until the third week of March. Students may register for only one of either the morning session, which runs from 8:15-9:00 a.m. or the afternoon session, which runs from 3:45-4:30 p.m. To register, return this permission slip to your teacher or Mr. Carlson, or email Mr. Carlson at [carlsch@cps-k12.org](mailto:carlsch@cps-k12.org). There is a \$20 fee to join the Keyboarding Club, which should be paid by the first meeting.

There are still plenty of open spots. The club will meet for the first session on Wednesday, October 30th. Please note that the registration deadline is Friday, October 25th.

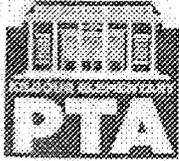
### Astronomy Club

The Astronomy Club is full at this time. Mr. Carlson will start a waiting list for any student who still wants to register for the club. If we have enough students sign up for the waiting list, we will try to offer a second meeting day for the Astronomy Club. Email Mr. Carlson at [carsch@cps-k12.org](mailto:carsch@cps-k12.org) if interested.

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#### Disclaimer

The Kilgour Synopsis is compiled and distributed for the exclusive use and convenience of the Kilgour School community. The Synopsis is not to be used for marketing or other mass/group promotions whose purpose extends beyond the immediate Kilgour School community and its benefit. Any other use of the Synopsis is strictly prohibited.



EXCELLENT  
RATED BY THE STATE OF OHIO



Welcome to the new home of the  
Kilgour PTA online!

513-363-3000

1339 HERSCHEL AVE., N.W. LOONDUCK, OH 43206 - GRADES K-8

- Home
- About PTA
- About Kilgour
- Contact Us
- Forms
- Links
- Synopsis

Home

search...

#### Main Menu

- Alumni
- Board 2013-2014
- Carnival
- Clubs & Activities
- Fundraising
- Great Gatherings
- Meetings & Minutes
- Synopsis Issues
- Programs & Events
- Room Parents
- Scholarship
- Silent Auction

#### Calendars

- Kilgour
- Cincinnati Public Schools

#### Event Registration

- This feature will be available for select events during the 2013-2014 school year.

#### Sports

- Kilgour Sports Boosters
- Kilgour 5K Race/Walk
- Spirit Wear

#### Registered Users

- Login

## The Kilgour Directory PowerSchool Correction Form

Display Full Screen

### Upcoming Events

- Tue Jan 14  
Synopsis Distributed
- Fri Jan 20  
School Closed - Martin Luther King Holiday
- Tue Jan 21 @ 5:00PM - 6:00PM  
1st Grade Roller Skating Party
- Fri Jan 23  
Synopsis Content Due
- Fri Jan 24 @ 7:00PM - 8:00PM  
Girls Night Out Dance & Fitness Class

[View Full Calendar](#)



### Recently Updated

- January 14, 2014
- Kilgour Ski Day Monday, February 10, 2014, 10am - 6pm
- December 17, 2013
- 2014 Kilgour Skating Club Sign-up Form
- PTA Board 2013-2014

### Visitors

We have 32 guests online

# THE KILGOUR DIRECTORY

The 2012-2013 Kilgour Directory has been published using data entered for your child(ren) in PowerSchool. If there are errors or omissions, then there are errors or omissions in PowerSchool that need to be corrected.

Please take a moment to complete this form to fix any errors and omissions in PowerSchool. In order to correct errors with address, you must bring appropriate documentation to Kilgour. Only one form is needed for children in the same family.

*Please print clearly including all punctuation*

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Room#: \_\_\_\_\_ / Teacher: \_\_\_\_\_

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Room#: \_\_\_\_\_ / Teacher: \_\_\_\_\_

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Room#: \_\_\_\_\_ / Teacher: \_\_\_\_\_

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Room#: \_\_\_\_\_ / Teacher: \_\_\_\_\_

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Room#: \_\_\_\_\_ / Teacher: \_\_\_\_\_

**Please change the information in PowerSchool to the following**  
*(please note all requests for an address change must be made in person to Kilgour with the supporting documentation):*

Parent/Guardian 1:

Name 1: \_\_\_\_\_

Address 1: \_\_\_\_\_ Zip Code 1: \_\_\_\_\_

Preferred Phone Number 1: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email Address 1: \_\_\_\_\_

Parent/Guardian 2:

Name 2: \_\_\_\_\_

Check if same household as above

Address 2: \_\_\_\_\_ Zip Code 2: \_\_\_\_\_

Preferred Phone Number 2: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email Address 2: \_\_\_\_\_

# **Exhibit E**

Direct Dial: 216.348.2029  
E-mail: [dmcvius@mcdonaldhopkins.com](mailto:dmcvius@mcdonaldhopkins.com)

F 1.216.348.5400  
F 1.216.348.5474

February 24, 2014

Via Email ([hoyingd@cps-k12.org](mailto:hoyingd@cps-k12.org)) and  
Certified U.S. Mail (Tracking No. 7196 9088 9115 5741 2702)

Daniel J. Hoying, Esq.  
Assistant General Counsel  
Cincinnati Public Schools  
2651 Burnet Avenue  
Cincinnati, Ohio 45219

Re: Public Records Request

Dear Mr. Hoying:

I am counsel for School Choice Ohio Inc. ("SCO"), and I write with regard to its October 16, 2013, public records request for the Cincinnati Public School District's (the "District") "directory information."

Under Ohio's Public Records Act, Ohio Rev. Code § 149.43, all records kept by a public office, specifically including school districts, are public and must be provided in response to a request unless a specific statutory exception applies. In refusing SCO's public records request, the District apparently relies on the exclusion in Ohio Rev. Code § 149.43(A)(1)(v) for records "the release of which is prohibited by state or federal law" by arguing that the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g ("FERPA") prohibits the release of that information. The District's position is incorrect for several reasons, and SCO demands that the District comply immediately and in full with its public records request.

FERPA does not prohibit the release of any "directory information" as the District contends; it imposes financial penalties on educational agencies and institutions that improperly disclose "educational records." See 20 U.S.C. § 1232g(b)(1), (b)(2). Those financial penalties have no application here because the relevant provisions in FERPA expressly exempt from those penalties records that meet the definition of "directory information" under 20 U.S.C. § 1232g(a)(5)(A). Since SCO only has requested information that falls within that definition of "directory information," FERPA does not impose any restriction whatsoever on the release of that information in response to SCO's request; it merely requires that the District give notice and an opportunity to opt out before doing so. See 20 U.S.C. § 1232g(a)(5)(B). The District accordingly has the full ability to provide any FERPA notice necessary for it to comply with SCO's request, and SCO expects the District to do so.

Given the foregoing, a well-informed public office would not reasonably believe that information statutorily defined as "directory information" would not be subject to disclosure

under the Public Records Act. Consequently, I have sent this public records request by certified mail, so SCO may recover statutory damages until the District produces the documents requested below, and SCO will seek its attorneys' fees if the District forces it to initiate a mandamus action to compel the District's compliance with its obligation to produce the requested information. See *State ex rel. The Miami Student v. Miami University*, 79 Ohio St. 3d 168 (1997) (issuing writ of mandamus and awarding attorneys' fees where school improperly denied public records request based on claim that release of records was prohibited by FERPA).

In view of the foregoing, I hereby reassert and incorporate by reference SCO's October 16, 2013, public records request, and request the following additional public records:

1. All policies, procedures, rules, or written actions in effect at any time during the 2013-14 school year by which the District has declared, designated, or defined information as "directory information."
2. All records that describe or document the decision-making process by which the District declared, designated, or defined information as "directory information," including (without limitation) any resolutions, meeting minutes, notes, emails, letters, or reports and any analyses or opinions the District reviewed or on which it relied as a part of that process.
3. All records that describe or document any exceptions or failures by the District to follow any policies, procedures, rules, or written actions in effect at any time during the 2013-14 school year by which the District has declared, designated, or defined information as "directory information."
4. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of the armed forces at any time during the 2012-13 and 2013-14 school years.
5. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of any charitable institutions at any time during the 2012-13 and 2013-14 school years.
6. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of any employers at any time during the 2012-13 and 2013-14 school years.
7. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of institutions of higher education at any time during the 2012-13 and 2013-14 school years.
8. The District's current public records policy and records retention schedule.

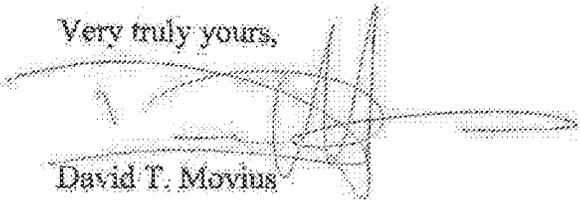
9. The following information for each student enrolled in the District, including district students who attend charter schools:

- Student and parent/guardian name
- Parent/guardian complete address, including email address
- Parent/guardian telephone contact information
- Student grade level for the 2013-14 school year
- Student school building for the 2013-14 school year

Because the District maintains records responsive to request number 9 in an electronic format, the District should provide those records in a native electronic format, such as an Excel spreadsheet or comma-separated value text file. For the remaining requests, the District should provide all of the requested records in an electronic format that can be accessed with a readily-available software program, such as Portable Document Format (pdf), Microsoft Excel or Microsoft Word. Because the Public Records Act empowers the requestor to choose the form of production of public records, *see* R.C. 149.43(B)(6), the District will fail to comply with its obligations under the Public Records Act if it produces electronically-stored information in paper format. To the extent possible, all responsive records should be sent to my attention via email at [dinovius@mcdonaldhopkins.com](mailto:dinovius@mcdonaldhopkins.com).

Finally, SCO again certifies that it will not use the information requested here for any profit-making plan or activity. Instead, SCO intends to use this information to share information with families about educational options.

Very truly yours,



David T. Movius

Copy: Matthew Cox, Esq.

# **Exhibit F**

**Movius, David**

---

**From:** Kaleigh Frazier <studentinfo@scoho.org>  
**Sent:** Thursday, January 09, 2014 10:47 AM  
**To:** Miller, Dale  
**Subject:** RE: Student Directory Information Request

Good Morning,

This is in response to your response to our public records request for student directory information. After reviewing your response, I ask that you please provide us with the following items you consider directory information per your district policy for all students in your district:

- Student's Name
- Student's Address
- Telephone Number(s)
- Student's Date of Birth
- Student's Date of Graduation

School Choice Ohio is a non-profit 501(c)(3) organization that promotes quality education options for every Ohio child. School Choice Ohio works to inform families across the state about the education options that are available for their children in grades K-12.

This student directory information is to be used specifically to contact Ohio families about the education options available for their child. This information will only be used by School Choice Ohio and will not be used for any profit-making plans, activities or ventures. We at School Choice Ohio do not promote any particular school or learning institution. Our purpose is to simply provide information on the full range of education options available to families.

We will be sending out materials and making phone calls based on the child and their family's interest. Our materials and phone calls will be informational in nature to educate those parents/guardians on the full range of education options available for Ohio students.

Thank you,

Sarah Pechan  
Senior Director of Programs  
School Choice Ohio

---

**From:** Miller, Dale [mailto:millerdr@spr.k12.oh.us]  
**Sent:** Tuesday, October 22, 2013 1:27 PM  
**To:** Kaleigh Frazier  
**Subject:** RE: Student Directory Information Request

Sarah Pechan  
Senior Director of Programs  
School Choice Ohio

Attached is the Springfield City School District Board of Education policy related to Student Records and Directory information.

Dale R. Miller, CPA  
Treasurer/CFO Springfield City School District  
1500 W Jefferson St.  
Springfield, Ohio 45506  
(937)505-2814  
(937)328-1095

---

**From:** Kaleigh Frazier [<mailto:studentinfo@scoho.org>]  
**Sent:** Tuesday, October 22, 2013 10:54 AM  
**Subject:** Student Directory Information Request

Dear School District Treasurer:

Pursuant to the Ohio's Public Records Law, Ohio Revised Code § 149.43, the undersigned hereby makes the following public records request on behalf of School Choice Ohio, an Ohio not-for-profit organization. The information requested below will not be used for any profit making plans or activities, whatsoever.

According to Ohio Revised Code §3319.321(A), since we will not use the requested directory information in any profit making plan or activity, the information requested is accessible Ohio public school student directory information, and is a public record as defined by Ohio Revised Code § 149.43. **We request that your district provide us with the directory information for all students in the district, including district students who attend charter schools. Please provide a copy of the directory information on the attached Excel spreadsheet.** We request that these records be provided in electronic format (compact disc, email, flash drive, etc.). Because public school districts do not have an obligation to create new records, please provide copies of your existing student directories that span the grade levels requested.

**This purpose of this request is to communicate with families regarding their full range of education options.**

Please include the following directory information listed below for each student enrolled:

1. Student and parent's/guardian's name,
2. Parent's/Guardian's complete address, including email address,
3. Parent's/Guardian's telephone contact information,
4. Student's grade level for the 2013-14 school year, and
5. Student's school building for the 2013-14 school year

Ohio law requires a public entity to provide the requestor with the legal basis, in writing, for the failure to respond to any part of a public records request. Accordingly, if you have designated any part of the requested records as not subject to release, please provide the parts that are available, as well as the legal rationale for withholding the requested public records.

**Electronic records may be sent via email to Kaleigh Frazier at [studentinfo@scoho.org](mailto:studentinfo@scoho.org).**

Any physical version of the records (disc, flash drive, etc.) can be sent by United States Postal Service to:

School Choice Ohio  
Attention: Kaleigh Frazier  
88 E Broad St, Suite 640  
Columbus, OH 43215

Again, consistent with §3319.321(A), School Choice Ohio affirmatively represents that this information will not be used in a profit-making plan or activity nor will any information be disclosed to any other party in violation of §3319.321(B)(3).

We understand that you are entitled to a reasonable amount of time to fulfill the request. Consequently, if you will not be able to fulfill this request in approximately five (5) business days, please contact Kaleigh Frazier at [studentinfo@schoio.org](mailto:studentinfo@schoio.org) to make other arrangements.

We look forward to receiving the requested public records.

Sincerely,



Sarah Pechan  
Senior Director of Programs  
School Choice Ohio

# **Exhibit G**



*Via electronic mail to [studentinfo@scoho.org](mailto:studentinfo@scoho.org)*

Kaleigh Frazier  
School Choice Ohio  
88 E. Broad St., Suite 640  
Columbus, OH 43215

January 13, 2014

Dear Ms. Frazier,

On October 22, 2013, I received from you via email a request for student directory information on behalf of School Choice Ohio. The same afternoon, I provided to you by reply email a copy of the District's Policy JO which states that the District does not designate any categories of information as Directory Information for current students. On January 9, 2014, I received another email from you "in response to [our] response to [your] public records request for student directory information." You have again asked that we provide you with student directory information per our District policy.

The Family Educational Rights and Privacy Act ("FERPA") generally prohibits the disclosure of student personally identifiable information which has not been designated by the educational institution as "directory information", subject to certain exceptions. 20 U.S.C. 1232g(b)(1). Educational institutions are given the discretion to identify categories of directory information and are required to notify parents and eligible students of the categories so designated to allow them an opportunity to opt out of non-consensual disclosures. Pursuant to Board policy JO, a copy of which is attached, the Springfield City School District has not designated any category of personally identifiable information of current students as "directory information." Your request does not meet the requirements of any other exception under FERPA; consequently, no personally identifiable information of current students may be disclosed in response to your request.

Your original request dated October 22, 2013 included a request for information about individuals residing in the District who attend Charter Schools. This request was not repeated in the January 9, 2014 email; however, since the prior email was attached to your January 9, 2014 email, I will address that request as well. Even if our District designated any categories of information as student directory information, which it does not, your request for "student directory" information about students who do not attend Springfield City Schools is improper. We previously explained to you by letter dated April 12, 2013, in response to a prior request, that while we are required to track these students in the EMIS system, they

are not students of the Springfield City School District: they are not enrolled in the District, do not attend our schools, and are not subject to the District's student records policy. As a result, they have not been given an opportunity to opt out of any disclosures of student directory information. Furthermore, the records we maintain about these students are provided to the District by the Ohio Department of Education for specific purposes and cannot be used for any other purposes. In compliance with federal FERPA regulations, the District is not permitted to re-disclose the information to any third party without prior consent from the student's parent or eligible student. 34 C.F.R. 99.33(a).

For these reasons, your request is denied.

Very truly yours,

Dale Miller  
Treasurer

# **Exhibit H**

Direct Dial: 216.436.2029  
E-mail: [dmovins@mcdonaldhopkins.com](mailto:dmovins@mcdonaldhopkins.com)

F 1.216.348.5400  
F 1.216.348.5474

February 24, 2014

Via Email ([millerdr@spr.k12.oh.us](mailto:millerdr@spr.k12.oh.us)) and  
Certified U.S. Mail (Tracking No. 7196 9002 9115 5741 2096)

Dale Miller  
Treasurer  
Springfield City School District  
1500 West Jefferson Street  
Springfield, Ohio 45506

Re: Public Records Request

Dear Mr. Miller:

I represent School Choice Ohio Inc. ("SCO"), and I write in response to your January 13, 2014, letter to Kaleigh Frazier regarding SCO's October 22, 2013, public records request to the Springfield City School District (the "District").

Under Ohio's Public Records Act, Ohio Rev. Code § 149.43, all records kept by a public office, specifically including school districts, are public and must be provided in response to a request unless a specific statutory exception applies. In refusing SCO's public records request, the District apparently relies on the exclusion in Ohio Rev. Code § 149.43(A)(1)(v) for records "the release of which is prohibited by state or federal law" by arguing that the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g ("FERPA") prohibits the release of the information SCO has requested. The District's position is incorrect for several reasons, and SCO demands that the District comply immediately and in full with its public records request.

Contrary to the District's stated position, Policy JO does not prohibit it from complying with SCO's public records request. While the District asserts that it did not designate any categories of information as "directory information" in that policy, it designated as "directory information" nearly every applicable category of information permitted under 20 U.S.C. § 1232g(a)(5)(A) in its "Notice of Directory Information." That notice, published on page 54 of the Springfield High School Handbook and online at <http://www.spr.k12.oh.us/files/filessystemrevised%20family%20educational%20rights%20and%20privacy%20act%20annual%20notice.pdf>, designates the following categories of information as "directory information":

- Student's name
- Student's address
- Telephone number(s)
- Date and place of birth
- Dates of attendance

- Participation in officially recognized activities and sports
- Student's weight and height, if a member of an athletic team
- Student achievement awards or honors
- Date of graduation

The District also provides form JO-E in the Springfield City School Policy Manual for parents to opt out of the District's release of the same categories of "directory information." Copies of the District's "Notice of Directory Information" and form JO-E as retrieved from the District's website on February 21, 2014, are enclosed for your convenient reference.

A review of the District's website confirms that it discloses "directory information" consistent with its "Notice of Directory Information." For example, the District's website confirms that Springfield High School publishes a yearbook and a student newspaper, both of which disclose "directory information." The newsletters and "Morning Announcements" published by Springfield High School on the District's website likewise disclose "directory information," including student names, participation in officially recognized activities and sports, and achievement awards and honors. Each of these activities would constitute a violation of FERPA if Policy JO controlled with respect to designation of "directory information."

In view of the foregoing, I hereby reassert and incorporate by reference SCO's October 22, 2013, public records request, and request the following additional public records:

1. All policies, procedures, rules, and written actions in effect at any time during the 2013-14 school year by which the District has declared, designated, or defined information as "directory information."
2. All records that describe or document the decision-making process by which the District declared, designated, or defined information as "directory information," including (without limitation) any resolutions, meeting minutes, notes, emails, letters, or reports and any analyses or opinions the District reviewed or on which it relied as a part of that process.
3. All records that describe or document any exceptions or failures by the District to follow any policies, procedures, rules, or written actions in effect at any time during the 2013-14 school year by which the District has declared, designated, or defined information as "directory information."
4. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of the armed forces at any time during the 2012-13 and 2013-14 school years.
5. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of any charitable institutions at any time during the 2012-13 and 2013-14 school years.

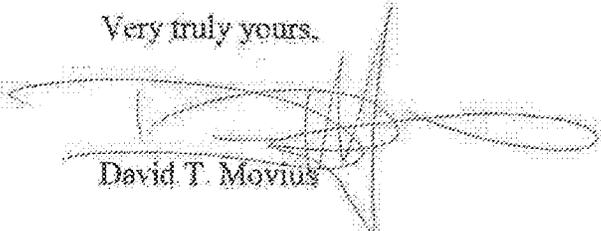
6. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of any employers at any time during the 2012-13 and 2013-14 school years.
7. All records that describe or document the District's disclosure of, or refusal to disclose, "directory information" to representatives of institutions of higher education at any time during the 2012-13 and 2013-14 school years.
8. The District's current public records policy and records retention schedule.

Records responsive to SCO's October 22, 2013, request should be provided in a native electronic format, such as an Excel spreadsheet or comma-separated value text file; and records responsive to SCO's remaining requests should be provided in an electronic format that can be accessed with a readily-available software program, such as Portable Document Format (pdf), Microsoft Excel or Microsoft Word. Because the Public Records Act empowers the requester to choose the form of production of public records, *see* R.C. 149.43(B)(6), the District will fail to comply with its obligations under the Public Records Act if it produces electronically-stored information in paper format. All responsive records should be sent to my attention via email at [dmovius@mcdonaldhopkins.com](mailto:dmovius@mcdonaldhopkins.com).

Please note that this request is being sent by certified mail, so SCO may recover statutory damages under Revised Code 149.43(C)(1) until the District produces the requested records. SCO also will seek its attorneys' fees if the District forces it to initiate a mandamus action to compel the District's compliance with its obligation to produce the records it has requested. *See State ex rel. The Miami Student v. Miami University*, 79 Ohio St. 3d 168 (1997) (issuing writ of mandamus and awarding attorneys' fees where school improperly denied public records request based on claim that release of records was prohibited by FERPA).

Finally, SCO again certifies that it will not use the information requested here for any profit-making plan or activity. Instead, SCO intends to use this information to share information with families about educational options.

Very truly yours,



David T. Movius

Enclosures

Copy: Matthew Cox, Esq.

**Family Educational Rights and Privacy Act (FERPA)  
Notice for Directory Information**

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

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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, 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 the following information – 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.<sup>1</sup>

If you do not want Springfield City School District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing. Springfield City School District has designated the following information as directory information for former students who have graduated or who have not been enrolled as a student in the District within the previous twelve (12) months:

**Student's name**

**Student's address**

**Telephone number (s) (unless designated as "unlisted" on student's registration forms)**

**Date and place of birth**

**Dates of attendance**

**Participation in officially recognized activities and sports**

**Student's weight and height, if a member of an athletic team**

**Student achievement awards or honors**

**Date of graduation**

For current students and for former students who were enrolled in the District within the previous twelve (12) months and withdrew prior to graduation, no personally identifiable information contained in the student's education record is designated as "directory information."

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<sup>1</sup> These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).

File: JO-E

**Denial of Permission to Release Directory Information Without Prior Written Consent**

Dear Parent:

Certain directory information may be released to media, colleges, civic or school-related organizations and state or governmental agencies as well as published in programs for the athletic, music and theater presentations of this District.

Directory information includes the following kinds of information:

1. student's name;
2. student's address;
3. telephone number(s);
4. student's date and place of birth;
5. participation in officially recognized activities and sports;
6. student's achievement awards or honors;
7. student's weight and height, if a member of an athletic team;
8. dates of attendance ("from and to" dates of enrollment) and
9. date of graduation.

Please circle the specific categories of information, if any, listed above that you do **not** wish to be released without your specific prior written permission.

The release of all directory information is denied.

This form must be completed and returned to the principal within 10 days after publication of the notice on "Directory Information" if the release of specific directory information is denied.

---

 Name of Student

School

Grade

---

 Parent's/Guardian's Signature

Date

# **Exhibit I**

# MARTIN BROWNE

MARTIN, BROWNE, HULL & HARPER PLLC

Cheryl M. Gaylor  
Walter A. Swanson  
Scott A. Wickham  
Steven J. Williams  
Gregory K. Hunt, Jr.  
R. Michael Decker  
Pauline M. Connor  
Cynthia B. Smith  
Wynne T. Bradburn  
David M. Johnson  
William H. Smith

David T. Movius  
Dennis P. Keenan  
Michael E. Hill  
John D. Harter  
Craig S. Smith  
Gregory S. Harter

April 4, 2014

Via electronic mail to: [dmovius@mcdonaldhopkins.com](mailto:dmovius@mcdonaldhopkins.com)  
David T. Movius  
McDonald Hopkins  
600 Superior Avenue East, Suite 2100  
Cleveland, Ohio 44114

Dear Mr. Movius:

Our firm represents the Springfield City School District (the "District"). I write to provide the District's response to your letter to Mr. Dale Miller, Treasurer of the District, dated February 24, 2014, regarding the request for student directory information by School Choice Ohio ("SCO") on or around October 22, 2013.

As an initial matter, I note that your letter misquotes the District's policy JO, a copy of which is attached for your reference. Your letter states that the District's policy "designates nearly every applicable category of information permitted [under FERPA]". This statement is inaccurate. The policy designates these categories of Directory Information only for "former students who have graduated or who have not been enrolled as a student in the District within the 12 months preceding a request for 'directory information'". The policy goes on to state as follows:

For current students and for former students who were enrolled in the District within the 12 months preceding a directory information request and withdrew prior to graduation, no personally identifiable information contained in the student's education record shall be designated as "directory information."

Board policy JO, in its current form, was adopted by the Board of Education at a meeting on June 12, 2013. A copy of the minutes from said Board meeting are also attached.

The District's Denial of Permission to Release Directory Information Without Prior Consent form referenced in your letter, Form JO-E, is an obsolete document which is no longer used by the District. The District makes every effort to keep its website current; however, there are occasional postings which are no longer relevant or accurate. While the obsolete version of Form JO-E was posted on the District's website at the time of your letter, this posting was in

error. Please see a copy of the District website disclaimer, attached for your reference, which may be accessed at the link below:

<http://www.spr.k12.oh.us/disclaimer.cfm>

The obsolete version of Form JO-E referenced in your letter is clearly inconsistent with the policy adopted by the Board of Education. Because there is no directory information designated for current students, there is no need for parents or eligible students to utilize such a form. The District has created an "opt-out" form which replaces the former JO-E for any former students who wish to opt out of the directory information disclosures which would apply to them, and would make such form available upon request; however, no former student has ever made such a request. The District has corrected the posting of this form on the District's website, and a copy of the document in its current form is attached.

Your letter states that the District's website confirms that it discloses "directory information" consistent with its FERPA "Notice of Directory Information." This is correct. The District's FERPA Notice, which you enclosed with your letter and which is attached to this letter, mirrors policy JO described above. Again, your analysis has overlooked certain limitations contained within document, which designates categories of directory information only for *former* students. Exactly as in Policy JO, the Notice specifically states that the District does not designate personally identifiable information of *current* students as "directory information." To the extent you are suggesting that the District's website confirms that it discloses "directory information" in contradiction to Policy JO and in contradiction to its FERPA Notice, this conclusion is incorrect. The District does, in fact, publish a yearbook and a student newspaper, as well as participation in officially recognized activities and sports, and achievement awards and honors. However, this information is only disclosed upon obtaining the consent of the participating student's parent or eligible student. Please see the District's consent form for this purpose, attached for your reference, which may be accessed at the link below:

<http://www.spr.k12.oh.us/files/filesystem/studentaup-combined13-14.pdf>

For these reasons, we reassert and incorporate by reference the District's letter dated January 13, 2014, as the legal basis for the denial of SCO's public records request dated October 22, 2013.

As to the public records requests contained in your February 24, 2014 letter, we respond as follows:

1. All documents responsive to this request are produced herewith.
2. All documents responsive to this request are produced herewith.
3. The District objects to this request as it is overly broad and unduly burdensome. A response to this request would require review and analysis of every communication made

from every administrator, teacher, and staff member of every school within the District. Notwithstanding the foregoing nor waiving objection, the District asserts that it has received no complaints of any alleged violations of FERPA during 2013-2014 school year.

4. The District's FERPA Notice for Directory Information in both its 2012-2013 school year form and its current form specifically states as follows: "...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 the following information – 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." As indicated, these items of information are required to be disclosed to military recruiters regardless of whether the District designates them as "directory information" absent refusal by a parent or eligible student. The District asserts that no parent or eligible student advised the District of their intent to deny disclosure of the student's information for the 2012-13 or 2013-14 school year. Consequently, the District has not refused to disclose such information to any representative of the armed forces at any time during the 2012-2013 or 2013-2014 school year. Produced herewith are the email messages which document the District's compliance with such requests.\*
5. All records describing or documenting the District's responses to requests from representatives of any charitable institutions during the 2012-13 and 2013-14 school years are produced herewith.\*
6. There are no documents responsive to this request.
7. All records describing or documenting the District's responses to requests from representatives of any institutions of higher education during the 2012-13 and 2013-14 school years are produced herewith.\*
8. All records responsive to this request are produced herewith.

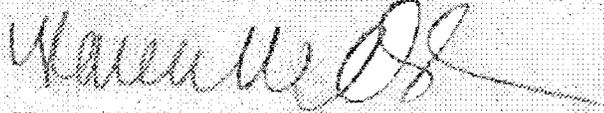
\*You will note that some of the records responsive to these requests are email messages which serve to transmit student personally identifiable information. Those email messages are produced; however, the accompanying files are not produced as the information contained therein consists solely of student personally identifiable information which would need to be entirely redacted.

David T. Movius  
April 4, 2014  
Page 4 of 4

Should you have any questions or require additional information, please contact me directly.

Very truly yours,

MARTIN, BROWNE, HULL & HARPER, P.L.L.

A handwritten signature in cursive script, appearing to read "Karen W. Osborn", written in black ink.

Karen W. Osborn, Esq.

KWO/kns  
Attachments

c: Dale Miller, Treasurer  
David Estrop, Superintendent

# **Exhibit J**

**From:** fishkn@spr.k12.oh.us  
**To:** "Estrop David" <estrop@spr.k12.oh.us>  
**Date:** Sat 05 Jan 2013 10:47:38 PM -0500  
**Cc:** "Baldwin"  
**Subject:** RE: Response to Request for Directory Information

image001.jpg ((4 kb)) image002.gif ((1 kb)) image003.gif ((1 kb))

As HB 555 expands the potential for more for profit schools to come in to Ohio as online schools and also expands vouchers, I'm thinking again about our directory info. I would like to bring it before cabinet for discussion in a week or so - do any of you have any objection to our opening the discussion about reducing what we consider directory information?

As I recall, we can reduce this to essentially no information; in addition, we've only had one legitimate request for this type of information in the past year or so, according to Lori.

Kim

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**From:** Estrop, David  
**Sent:** Monday, December 17, 2012 1:52 PM  
**To:** Estrop, David; Fish, Kim; Miller, Dale; Mohr, Christopher; Parr, Stacy; Pizner, Lydia; Shaffer, Christopher; Starrett, Jona; Tipler, Stacey; Townsend, Andrea; Whitfield, Michael  
**Cc:** Casto, Sherry; Weiss, Sandy  
**Subject:** FW: Response to Request for Directory Information

The remainder of email is redacted due to attorney client confidentiality.

# **Exhibit K**

**From:** fishkn@spr.k12.oh.us  
**To:** Jamie Callan <jcallan@valco-ind.com>  
**Date:** Thu 25 Apr 2013 12:34:13 PM -0400  
**Cc:** "Baldwin"  
**Subject:** Retention Meeting Today - Reminder and Agenda

Hi, just a reminder that we are meeting at 3:30 today in Supt Conference Room.

On the Agenda:

Quick update on enrollment data as of April 25.

Quick update on OnCourse enrollment status.

Review of Activities of Retention Committee to date, since last January — with attention to ongoing efforts:  
possible change of directory information policy for defensive reasons  
marketing plans to drive interest in 7-12 enrollment and retention, including OnCourse.  
basic approach to improving intake processes, including web-based resource  
status of looking at withdrawal data (very brief, Lori is out of the office)

Discussion of further actions for Retention Committee?

See you at 3:30,

Kim

# **Exhibit L**

## ORC STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the District 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 District.

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 District 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 District 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 District 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.)

For former students who have graduated or who have not been enrolled as a student in the District within the 12 months preceding a request for "directory information," the District proposes to designate the following personally identifiable information contained in the student's education records as "directory information."

1. student's name;
2. student's address;
3. telephone number(s) (unless designated as "unlisted" on student's registration forms);
4. student's date and place of birth;
5. participation in officially recognized activities and sports;
6. student's achievement awards or honors;
7. student's weight and height, if a member of an athletic team;
8. dates of attendance ("from and to" dates of enrollment) and
9. date of graduation.

The above information is disclosed without prior written consent, 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.

For current students and for former students who were enrolled in the District within the 12 months preceding a directory information request and withdrew prior to graduation, no personally identifiable information contained in the student's education record shall be designated as "directory information."

Administrative regulations set forth a procedure for annual notification to parents and eligible students of the District's definition of directory information. Parents or eligible students have the right to advise the District, in accordance with such regulations, if they refuse to permit the disclosure of directory information about that student.

To carry out their responsibilities, school officials have access to student education records for legitimate educational purposes. The District 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 District 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: November, 1986]

[Re-adoption date: August 23, 1990]

[Re-adoption date: June 19, 1997]

[Re-adoption date: September 24, 2009]

[Re-adoption date: June 13, 2013]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.

Family Educational Rights and Privacy Act; 20 USC Section 1232g

Health Insurance Portability and Accountability Act; 29 USC 1181 et seq.

ORC 149.41; 149.43

1347.01 et seq.

3317.031

3319.32; 3319.321; 3319.33

3321.12; 3321.13

3331.13

CROSS REFS.: AFL, Evaluation of Educational Resources

EHA, Data and Records Retention

IL, Testing Programs

KBA, Public's Right to Know

KKK, Recruiters in the Schools

# **Exhibit M**



**SPRINGFIELD BOARD OF EDUCATION**  
**ACCEPTABLE USE POLICY**  
**Student**

Springfield Board of Education Technology Resources include, but are not limited to, computers, file servers, laptops, software, e-mail, video equipment, AV equipment, public address systems, presentation equipment, telephones, voice mail systems, digital cameras, scanners, the local area network, the wide area network, and all equipment related thereto (collectively, "Technology Resources" or individually, "Technology Resource"). These resources are school property, purchased with public funds or grant monies, and are intended solely for use in furtherance of the mission of the District, to enhance the delivery of education, and to conduct necessary school business. Technology Resources may only be used for appropriate curricular and co-curricular purposes.

This policy sets forth the proper and acceptable uses of Technology Resources, electronic mail and communications and the Internet for students. The use of any Technology Resource shall constitute acknowledgment and acceptance by the user of this policy and all other applicable Springfield Board of Education policies and regulations.

Technology Resources and assigned network access, Internet access and e-mail access passwords are tools provided to students to enhance their education and should be treated accordingly. Any student who violates this policy, or allows others to do so, may have his/her user access privileges revoked and shall be subject to disciplinary action, up to and including expulsion. Each student must sign a form to acknowledge he/she has read, understands and will comply with this Technology Resources Acceptable Use Policy. Parents of students under the age of 18 must also acknowledge their understanding of the risks associated with Internet use and authorize the District to allow Internet access for their child(ren). These forms will be kept on file by the District as binding legal documents.

The Springfield Board of Education reserves the right to modify this policy at any time. The Springfield Board of Education may pursue criminal prosecution or civil action for any unauthorized use of Technology Resources or any violation of this policy when appropriate.

**Technology Resources and Acceptable Use Policy Outline**

- A. General Standards of Conduct for Use of Technology Resources**
- B. General Standards of Conduct for Electronic Mail and Communications**
- C. General Standards of Conduct for Internet Use**
- D. District Web Sites**
- E. Disclaimers**

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**A. General Standards of Conduct for Use of Technology Resources:**

1. Only software licensed to the Springfield Board of Education and/or authorized in writing by the Director of Technology and Information Services, or his or her designee, shall be installed on Technology Resources. Installation of such software shall be performed only by authorized personnel to ensure that the software is (a) compatible with existing computer systems; (b) properly installed, maintained, used and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other software, including but not limited to, shareware, freeware, public domain or demonstration copies of software, is prohibited. Unscheduled

audits of Technology Resources will be periodically performed and any unlicensed or unapproved software will be removed without notice.

2. Only hardware licensed to the Springfield Board of Education and/or authorized in writing by the Director of Technology and Information Services, or his or her designee, shall be installed on Technology Resources. Installation of such hardware shall be performed only by authorized personnel to ensure that the hardware is (a) compatible with existing computer systems; (b) properly installed, maintained, used and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other hardware, including but not limited to, CPUs, motherboards, hard-drives, video cards, memory, CD-ROMs, DVD-ROMs, SCSI cards, modems/routers, is prohibited. Memory based recording devices/media used for the transportation of information (e.g. USB Flash Drives) or enhancement devices (e.g., speakers, cameras) are permitted. The District reserves the right to inspect or restrict such use should these devices/media contain material that could damage Technology Resources (e.g., viruses, malware, spam, spyware). Unscheduled audits of Technology Resources will be periodically performed and any unlicensed or unapproved hardware will be removed without notice.
3. Students shall not delete any software on the District's computers, copy any software owned by the District, or remove any hardware from the District's property without prior written permission from the Director of Technology and Information Services.
4. Students may not deploy or install wireless access points without prior written permission from the Director of Technology and Information Services.
5. Network and system passwords ensure the security of critical and sensitive electronic data and are the first defense against unauthorized access. Only passwords issued by the Director of Technology and Information Services, or his or her designee, shall be used. Students are prohibited from divulging their passwords to other individuals. Students will never log in as another student, either at school or at home or any "out of school" location. Habitual loss or unauthorized disclosure of any password shall be subject to disciplinary action.
6. Disruption of electronic services and interference with Technology Resources or electronic information (including but not limited to, uploading or downloading damaging data or illegal software; tampering with hardware or software; vandalizing or destroying data; introducing or using computer viruses, worms or Trojan horses; or attempting to gain access to restricted information or networks) are prohibited.
7. Students are prohibited from allowing any unauthorized person to use or operate any Technology Resource. Students must shut down and secure in an appropriate fashion Technology Resources which are not in use.
8. Any use of Technology Resources to facilitate illegal activity is prohibited. Technology Resources shall not be used to encourage or promote any activity prohibited by law or Springfield Board of Education policy, rules, procedures or regulations. Any misconduct or criminal activity discovered will be referred to appropriate authorities.
9. Use of the District's Technology Resources to access or transmit obscene, pornographic or violent materials or to transmit materials likely to be threatening, offensive or objectionable is prohibited. Such prohibited materials include, but are not limited to, "hacking" materials; "cyberbullying" activities; racist material or hate literature; terrorism instructions/directions or other dangerous information; profane or vulgar materials; threatening or inflammatory

language; false or defamatory materials; disparagement of others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation; and any materials that advocate violating other's rights. In the context of educational purposes, the District may allow research or investigation of some objectionable materials to allow students to be better prepared to recognize social harms and improve their ability to deal effectively therewith.

10. Use of Technology Resources for political, commercial or for-profit purposes, including fundraising unless specifically authorized by the District administration, is prohibited.
11. Unauthorized access, use, modification, alteration, vandalism or destruction of Technology Resources or electronic information is prohibited. Any inappropriate use of Technology Resources that may hinder future use is prohibited. Students are expected to respect the District's property and to follow any instructions from the Director of Technology and Information Services, or his or her designee, regarding maintenance and care of equipment. Students must promptly notify their teacher or building administrator of any need for service to Technology Resources.
12. Technology Resources may not be used in violation of Copyright laws. Any copyrighted material placed on any system connected to the District network without the author's permission will be removed.
13. Technology Resources may not be used in violation of privacy laws. Students are required to protect themselves and others by not issuing or releasing any personal or confidential information via Technology Resources.
14. The Director of Technology and Information Services may establish and enforce quotas for usage of available space on the District network. Students are expected to remain within allocated disk space and delete e-mail or other materials which take up excessive storage space.
15. Students must immediately notify their teacher or building administrator if they identify any security problem.
16. The District administration reserves the right to limit the times of access and to establish priorities among competing acceptable uses of Technology Resources.
17. All remote access and use of Technology Resources shall also be subject to all applicable requirements of this policy.
18. The District has implemented technology protection measures that protect against access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, harmful to minors. The District will restrict, to the extent practicable and technically possible, access to offensive information and materials. Because Internet access provides connections to computer systems located all over the world, the District cannot, however, control the content of all information and materials available on the District network.
19. iTunes use is allowed through a school assigned account. Syncing school assigned accounts with personal accounts is prohibited. Vouchers or iTunes pre-paid cards can only be used on

school assigned accounts. Apps purchased through a school assigned account, regardless of funding source, are the property of Springfield City Schools District.

**B. General Standards of Conduct for Electronic Mail and Communications:**

The use of non-district electronic communications (i.e., e-mail, chat room, bulletin board, Instant Messaging and other forms) by students is available only with the prior written consent of the Director of Technology and Information Services and under the guidance of a teacher.

**C. General Standards of Conduct for Internet Use:**

1. The General Standards of Conduct for Use of Technology Resources set forth above shall be equally applicable to all Internet use.
2. Internet access over the District network may be provided only to school employees, students, individuals enrolled in Adult Education classes, and volunteers, aides or other persons in the school for a specific school purpose when authorized by the Director of Technology and Information Services, or his or her designee. Student Internet access may be limited to specified times, as provided by the instructors and the District administration.
3. Internet access over the District network is available only to support learning, to enhance instruction and to assist in the administration of the District. Internet access is to be used in a responsible, ethical and legal manner. All students are responsible for their actions and communications on the Internet. **Legal parent/guardian permission is not necessary for student participation in Ohio Department of Education required online testing. (Pending state and federal laws, rules and regulations.)**
4. The District has implemented technology protection measures to block or filter materials which are obscene or harmful to minors. The District will restrict, to the extent practicable and technically possible, access to offensive information and materials. Because Internet access provides connections to computer systems located all over the world, the District cannot, however, control the content of all information and materials available on the District network.
5. The District administration will determine whether any use of the network is inappropriate or unauthorized, or whether any Internet information and materials are objectionable.
6. All students must promptly report to a teacher any inappropriate information or material they encounter when using the Internet or which they believe may be available based on Internet usage by other individuals. Any student who receives a comment, through any school related Technology Resource, that makes him/her feel uncomfortable or that is not respectful must tell his/her teacher, administrator or principal immediately. (The student should not respond to the comment.)
7. Files downloaded from the Internet must be scanned with virus detection software, if available, before being viewed or opened.
8. Students are prohibited from accessing or retrieving any relay chat or other real-time or "live" communications unless there has been prior clearance by the Director of Technology and Information Services.

9. Internet peer-to-peer file sharing and torrent use are prohibited unless there has been prior clearance by the Director of Technology and Information Services.
10. The downloading and installation of programs from the Internet is prohibited without the prior written approval of the Director of Technology and Information Services or designee. Unauthorized programs will be removed without notice.
11. Information obtained via the Internet is not always reliable and should be verified for accuracy, quality, and completeness.

#### **D. District Web Sites**

The District has established a Web site, [www.spr.k12.oh.us](http://www.spr.k12.oh.us), and will develop Web pages that present information about the District. The Superintendent, or designee, is responsible for maintaining the District Web site and may establish Web Site Publishing Guidelines to manage the posting of information to the District Web site, the posting of any school, class or student Web pages, and the creation of links to or from outside sources. All Web sites and pages (including links) hosted on the District network must reflect the professional image of the District and be consistent with the mission of the District. Unauthorized Web sites or pages may **not** be placed on the District network.

#### **E. Disclaimers**

The District does not guarantee the privacy of any information, including but not limited to e-mail messages or electronic communications or files sent or received via Technology Resources. Any student utilizing any Technology Resource understands and agrees that he/she is specifically waiving any expectations of privacy in communications, data and other information stored, displayed, accessed, communicated or transmitted thereon. The District reserves and will exercise the right to access, monitor, review, audit, log and intercept computer activity, Internet use, e-mail, electronic communications and other Technology Resource use by students, at all times and without notice. The District may edit or remove any materials from Technology Resources which are determined to be objectionable. If any misconduct or criminal activity is discovered, the information or communications may be used to document such conduct and may be referred to the District administration and appropriate authorities. The use of a District provided password or code does not restrict the District's right to access, monitor, review, audit, log, and intercept electronic information or communications.

The District denies any responsibility for the accuracy, quality or completeness of any information available over the Internet. Furthermore, the District assumes no responsibility for any costs, liabilities or damages incurred through use of Technology Resources.

Students are responsible for archiving and backing-up all electronic information and communications which need to be retained. The District makes no guarantee that the functions or services provided by or through the District network will be error free or without defect. The District is not responsible for any damages incurred due to loss of data or delays in or interruption of services.

The Director of Technology and Information Services may investigate any unusual activity involving Technology Resources and may periodically report to the Superintendent or designee on the manner in which Technology Resources are being used.

**SPRINGFIELD BOARD OF EDUCATION  
AUTHORIZATION FOR PARENT-TEACHER E-MAIL COMMUNICATION  
(OPTIONAL)**

The School District provides its teachers with access to electronic mail for educational purposes and District-related business. The District believes that access to e-mail and other technological resources provides the ability to gather and disseminate information, as well as to enhance home/school communication.

While e-mail may be an efficient way of communicating, it should not be assumed that e-mail correspondence is entirely private and confidential. The District undertakes a number of measures to ensure the security and integrity of its technological resources. When e-mail travels over the Internet, unauthorized individuals may be able to access an e-mail exchange between a parent and a teacher. Additionally, an e-mail message may be forwarded to the wrong person or e-mail address. Therefore, it may still be best for parents to utilize another method of communication, such as face-to-face meetings or telephone calls, when informing a teacher of particularly sensitive material or requesting a teacher to provide the same.

To protect the privacy of students, the District requires all teachers to abide by an *Acceptable Use* policy that governs use of the District's technological resources, including e-mail correspondence. Therefore, any parent who wishes to communicate with their child's teacher via e-mail must authorize such communication by providing an e-mail address to be used by the teacher and agreeing to the terms below.

**Subject to these understandings, I wish to communicate with my child's teacher via e-mail.**

**I understand that the teacher will not respond to inquiries I make from any other e-mail address. I agree that if the e-mail address I have provided on the Signature Page changes for any reason, I will notify the teacher immediately and complete another Authorization for Parent-Teacher e-mail communication.**

**The parent, guardian or student 18 years of age or older executing this Agreement, acknowledges that the District is not responsible if third parties access electronic communications after any such information has been sent by the District using the e-mail address stated herein. The parent, guardian or student 18 years of age or older agrees to indemnify, defend and hold harmless from and against any claims, actions, demands and judgments against the District resulting from communicating through e-mail involving the student listed on the Signature Page and as authorized herein.**

**SPRINGFIELD BOARD OF EDUCATION  
MEDIA CONSENT AUTHORIZATION**

Student accomplishments often draw the attention of newspapers, television stations, or other media, and photographers and videographers may be invited or permitted to visit our schools to photograph, videotape, and/or interview students during various activities. In addition, we sometimes use images of our students on our website or other publications and communications created by the Springfield City Schools. We need your permission to allow your student to be interviewed, videotaped or photographed for these purposes. This form does not pertain to yearbook photos.

By signing below, I authorize the Springfield Board of Education (the "District") to publish and use, and to license others to publish and use, in original or edited form, in connection with school programs and activities, my child's photograph, name, likeness, voice, and all work created or produced by my child in newspapers (e.g., Springfield News-Sun, The Springfield Paper, etc.), magazines, the District's video media (e.g., programming on Time Warner Channel 5, Channel 23, Springfield City Schools driven podcasts and video streams) and on the District's web page (including all associated staff/development based web pages).

I understand that the copyright of work created or produced by my child, such as written work, art, photography, video, or sound recording, will remain my child's property. I further understand that any publication by the District that features my child's work will include credit to my child for creating or producing the work. I also understand and agree that the District shall own all rights, title and interest (including copyrights) in and to the materials that it creates, produces, and/or publishes and the District has the sole discretion and authority to determine how said materials may be used.

I acknowledge and agree that my child will not be compensated for any publication or use of his or her photograph, name, likeness, voice, or work by the District as described in this form. For privacy reasons, the District will not use my child's name to identify my child in connection with any such publication on the District Website.

**I understand that public performances (sporting events, theatrical performances, music, orchestra, or choir performances, award events, etc.) are "public" in nature and participants should have NO EXPECTATION OF PRIVACY. Accordingly, Springfield City Schools has no control over news media or other entities or individuals that may publish a picture of a named or unnamed student that is taken while the student is participating in school activities that are open to the public.**

By signing this consent, I understand that I am granting the District permission to use student information as described herein. I also am releasing the District and its respective officers, directors, agents, and/or employees from and against any and all liability, loss, damage, costs, claims and/or causes of action arising out of or related to my student's participation in any media events, including, without limitation, television broadcasts, promotional materials, or website projects.

Should I choose to modify or revoke this authorization, I will contact my child's building principal in writing.

#4

**CONSENT FOR DISCLOSURE OF STUDENT INFORMATION  
FOR SUPERINTENDENT APPROVED PURPOSES**

It may become necessary from time to time for the Springfield City School District to disclose a student's personally identifiable information to the public for purposes such as school newsletters, yearbook publication, athletic rosters, honor roll or other achievement recognition, music and theatre presentations, and school-related events. In addition, the District often partners with community leaders, community organizations, and school-related organizations in order to provide educational, health, service, or other non-profit programs which may provide a benefit to the students of the District. It may become necessary to disclose a student's personally identifiable information to such partnering community leaders or organizations. Due to a change in Board policy effective July 1, 2013, the District is required to obtain your permission to allow your child's information to be disclosed for these purposes.

I authorize the Springfield City School District to disclose the following information about my child to third parties for purposes approved by the Superintendent or his designee:

**Information which may be disclosed pursuant to this authorization is limited to:**

Student's name;  
Student's address;  
Student's telephone number (unless designated as "unlisted" on student's registration forms);  
Date and place of birth;  
Participation in officially recognized activities and sports;  
Weight and height of members of athletic teams;  
Dates of attendance;  
Date of graduation;  
Awards received.

I release the District and its respective officers, directors, agents and/or employees from and against any and all liability, loss, damage, costs, claims, and/or causes of action arising out of or related to the disclosure of my child's personally identifiable information.

I understand that I may revoke this consent at any time by written notice to the District Attendance Office.

# **Exhibit N**

#27

**From:** Baldwin@spr.k12.oh.us  
**To:** "Estrop"  
**Date:** Wed 07 Aug 2013 03:03:13 PM -0400  
**Cc:** "Casto"  
**Subject:** RE: Champion City Scholar Annual Data Request

Thanks I... will do.

---

**From:** Estrop, David  
**Sent:** Wednesday, August 07, 2013 3:03 PM  
**To:** Baldwin, Lori; Miller, Dale  
**Cc:** Casto, Sherry; Weiss, Sandy  
**Subject:** RE: Champion City Scholar Annual Data Request

I hereby approve the request below since Clark State Community College partners with the Springfield City School District relative to the Champion City Scholar Program which provides full scholarships for 40 students in Springfield each year.

Dr. David Estrop  
Superintendent

---

**From:** Baldwin, Lori  
**Sent:** Wednesday, August 07, 2013 2:58 PM  
**To:** Estrop, David; Miller, Dale  
**Subject:** FW: Champion City Scholar Annual Data Request

This is a request from Steve at Clark State each year. Please respond with decision on this information request to be sent to Steve Vrooman. Appreciate it.

Thanks so much!

---

**From:** Steven Vrooman [<mailto:vroomans@clarkstate.edu>]  
**Sent:** Wednesday, August 07, 2013 2:50 PM  
**To:** Baldwin, Lori  
**Subject:** Champion City Scholar Annual Data Request

Hi, Lori,

I hope all is well with you ... and you had a chance for a little time off during the summer.

Again, this year, the Champion City Scholar program is selecting the next group of SCSD students as eighth graders, this fall. I would like to send the program announcement letter and a brochure to the homes of all SCSD 8th graders within the next week or two.

Whenever you have a chance, may I please have an Excel file of current 8th graders (2013-14 school year) in the SCS schools? The fields you usually include are: Student ID, First Name, Last Name, School #, Grade, Street Address, City, State, Zip, Phone #, and Homeroom. It has been great and would work equally well this year. Your help will be appreciated.

I have attached an empty Excel file with headings as reported last August, if that helps at all. Also, I know the data will be changing significantly early in the school year but, with some luck, the majority of the address info will be correct.

THANKS!!!!

Steve

# **Exhibit O**

#13

**From:** fishkn@spr.k12.oh.us  
**To:** "Baldwin"  
**Date:** Tue 27 Aug 2013 11:02:46 AM -0400  
**Cc:** "Estrop"  
**Subject:** Re: Student address information (please read the email stream and note we have a process to deal with directory info request)

yes, and we are asking people who get these requests (for instance, SHS got one from military) to send the request to Dr E via email so he can approve or deny, and we will have documentation of that.

working well so far, huh!?

Sent from my iPad

On Aug 27, 2013, at 10:58 AM, "Baldwin, Lori" <[Baldwin@spr.k12.oh.us](mailto:Baldwin@spr.k12.oh.us)> wrote:

Great!... thanks!

---

**From:** Estrop, David  
**Sent:** Tuesday, August 27, 2013 10:57 AM  
**To:** Baldwin, Lori; Miller, Dale; Fish, Kim  
**Cc:** Casto, Sherry; Weiss, Sandy  
**Subject:** RE: Student address information

Permission is granted since this organization partners with us.

Dr. David Estrop

Superintendent

---

**From:** Baldwin, Lori  
**Sent:** Tuesday, August 27, 2013 10:54 AM  
**To:** Estrop, David; Miller, Dale; Fish, Kim  
**Subject:** FW: Student address information

FYI. permission or want me to send her notice of new student directory board policy with our regrets.

---

**From:** Faith Bosland [<mailto:faithbosland@yahoo.com>]  
**Sent:** Tuesday, August 27, 2013 10:47 AM  
**To:** Baldwin, Lori  
**Subject:** Student address information

Hi Lori,

It's that time of year again... I need to request student address information to mail info to families on SCYM's afterschool programs. We need to get names and addresses for:

Snyder Park Elementary (all students)  
Kenwood Elementary (all students)  
Schaefer Middle School (girls only)  
Hayward Middle School (girls only)  
Roosevelt Middle School (girls only)

Thank you so much!!  
Blessings,  
Faith

Faith Bosland  
Springfield Christian Youth Ministries

(937) 206-7812

[www.scymministries.org](http://www.scymministries.org)

# **Exhibit P**

#19

**From:** estrop@spr.k12.oh.us  
**To:** "Baldwin"  
**Date:** Tue 22 Oct 2013 01:04:57 PM -0400

**Subject:** RE: Student Directory Information Request

image001.png ((2 kb))

Correct, we do not provide them any information. I would suggest that we send them our newly developed and approved Board Policy on this subject. Then if they have any questions, send them to our attorneys.

Dave

---

**From:** Baldwin, Lori  
**Sent:** Tuesday, October 22, 2013 11:31 AM  
**To:** Miller, Dale  
**Cc:** Estrop, David  
**Subject:** RE: Student Directory Information Request

I assume same. Will need a standard comment or letter to send back to them this year.

**From:** Miller, Dale  
**Sent:** Tuesday, October 22, 2013 11:26 AM  
**To:** Baldwin, Lori  
**Subject:** FW: Student Directory Information Request

I assume we do not provide any information, correct?

If we do not, has the attorney generated a response?

Thanks, Dale

---

**From:** Kaleigh Frazier [<mailto:studentinfo@scoho.org>]  
**Sent:** Tuesday, October 22, 2013 10:54 AM  
**Subject:** Student Directory Information Request

Dear School District Treasurer:

Pursuant to the Ohio's Public Records Law, Ohio Revised Code § 149.43, the undersigned hereby makes the following public records request on behalf of School Choice Ohio, an Ohio not-for-profit organization. The information requested below will not be used for any profit making plans or activities, whatsoever.

According to Ohio Revised Code §3319.321(A), since we will not use the requested directory information in any profit making plan or activity, the information requested is accessible Ohio public school student directory information, and is a public record as defined by Ohio Revised Code § 149.43. We request that your district provide us with the directory information for all students in the district, including district students who attend charter schools. Please provide a copy of the directory information on the attached Excel spreadsheet. We request that these records be provided in electronic format (compact disc, email, flash drive, etc.). Because public school districts do not have an obligation to create new records, please provide copies of your existing student directories that span the grade levels requested.

**This purpose of this request is to communicate with families regarding their full range of education options.**

Please include the following directory information listed below for each student enrolled:

1. Student and parent's/guardian's name,
2. Parent's/Guardian's complete address, including email address,
3. Parent's/Guardian's telephone contact information,

4. Student's grade level for the 2013-14 school year, and
5. Student's school building for the 2013-14 school year

Ohio law requires a public entity to provide the requestor with the legal basis, in writing, for the failure to respond to any part of a public records request. Accordingly, if you have designated any part of the requested records as not subject to release, please provide the parts that are available, as well as the legal rationale for withholding the requested public records.

Electronic records may be sent via email to Kaleigh Frazier at [studentinfo@scoho.org](mailto:studentinfo@scoho.org).

Any physical version of the records (disc, flash drive, etc.) can be sent by United States Postal Service to:

School Choice Ohio  
Attention: Kaleigh Frazier  
88 E Broad St, Suite 640  
Columbus, OH 43215

Again, consistent with §3319.321(A), School Choice Ohio affirmatively represents that this information will not be used in a profit-making plan or activity nor will any information be disclosed to any other party in violation of §3319.321(B)(3).

We understand that you are entitled to a reasonable amount of time to fulfill the request. Consequently, if you will not be able to fulfill this request in approximately five (5) business days, please contact Kaleigh Frazier at [studentinfo@scoho.org](mailto:studentinfo@scoho.org) to make other arrangements.

We look forward to receiving the requested public records.

Sincerely,

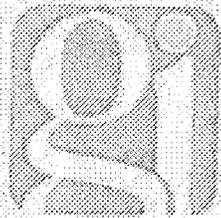


Sarah Pechan

Senior Director of Programs

School Choice Ohio

# Exhibit Q



GLOBAL IMPACT  
STEM ACADEMY

JAN 23 2014  
Global Impact STEM Academy

P.O. Box 1344  
Springfield, OH 45501-1344  
Phone: (937) 324-6600  
E-Mail: [jennings@globalimpactacademy.org](mailto:jennings@globalimpactacademy.org)  
Web: [www.globalimpactacademy.org](http://www.globalimpactacademy.org)

January 21, 2014

Springfield City Schools  
Attn: Dr. David Estrop  
5610 Troy Road  
Springfield, OH 45502

Dr. Estrop:

Global Impact STEM Academy is a STEM school that will be serving grades 9 and 10 this coming school year. As such, I am formally requesting the following directory information from your district - Name, Address, & Email address, if the latter is also on record with your school / school system - for the following students enrolled in our school / school district as the date of this letter of request: All seventh, eighth, and ninth grades students.

If there is an official, usual and customary charge for this information, including printed and/or electronic reproduction, please inform me by calling my cell phone (937) 603-4517, leaving a message if necessary, and Global Impact will make arrangements to pay those reproduction charges upon receipt of the information.

I am further requesting that, if the information is, by practice, currently stored in electronic format, it be provided to me in that format rather than in a printed format. If you will be sending the electronic information directly to me, please do so at the following email address: [jennings@globalimpactacademy.org](mailto:jennings@globalimpactacademy.org)

If the electronic directory information is too large or for some other reason needs to be loaded onto a thumb drive or disk in order for Global Impact to receive the Directory Information in that format, Global Impact will reimburse the school / school district for those reasonable and normal charges as well.

Thank you in advance for your cooperation and assistance.

Respectfully,

*Joshua A. Jennings*  
Joshua Jennings  
Founding Director

*Approved  
David Estrop*

*Please forward  
to Lori B.  
Thanks  
JSE*

*1779*  
*J.B.*  
*1-27-14*