

EDUCATION RECORDS

I. Definitions

- A. Education Records. Education records are those official records, files, and data directly related to a student and maintained by the school corporation. Such records encompass all the material kept in the student's cumulative folder and include such information as general identifying data, records of attendance and of academic work completed, records of achievement, results of evaluative tests, health data, disciplinary records, test protocols, and in individualized education programs. Education records are the property of the school corporation. Access to and correction of education records is governed by this policy.
- a. Exclusions. Education records do not include the following:
- Data that relates to a student or group of students, but by which the student(s) cannot be identified.
 - Records kept in the sole possession of the maker and which are not accessible or revealed to other persons. Such records may include grade books, notes on student work, transcripts of interviews, counselors' notes, and memory aids.
 - Privileged communications made under IC 20-28-10-17 and information required to be furnished to law enforcement or social service agencies relating to suspected child abuse or neglect under IC 31-33-5-1.
 - Grades on peer-graded papers before they are collected and recorded by the teacher.
- B. Parent Parent is a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. The term includes the custodial and non-custodial parents of a student.
- C. Student. A student is any individual who is or has been in attendance at the school corporation.
- D. Eligible Student. An eligible student is a student who has reached eighteen (18) years of age or is attending a postsecondary education institution.
- E. Disclosure. Disclosure is to permit access to, release of, transfer of, or communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means to any party except the party identified as the party that provided or created the record.
- F. Personally Identifiable Information. Personally identifiable information is information by which it is possible to identify a student with reasonable certainty, including, but not limited to, the following:
1. The name of a student, a student's parent, or any other family member.
 2. The address of a student or the student's family

3. A personal identifier such as a student's social security number, student's number or biometric record.
4. A list of personal characteristics, including disability designation and photograph.
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
6. Other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
7. Information requested by a person whom the school reasonably believes knows the identity of the student to whom the education record relates.

II. Rights of A Parent and An Eligible Student

- A. Rights of a parent. ~~The rights afforded to a parent under this policy shall be given to either parent, including a custodial and noncustodial parent, unless the school corporation has been provided with evidence of a court order or other legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.~~ **The rights afforded to a parent under this policy shall be given to either parent. Consistent with federal and state laws, custodial and noncustodial parents have equal access to a student's education records; however, a school may not allow a noncustodial parent access if a court order limits such access and the school has received a copy of the order or has actual knowledge of it.**
- B. Rights of an eligible student. ~~The rights afforded to a parent under this policy shall transfer to a student when the student becomes an eligible student, as defined in this policy, unless the student has been adjudicated incompetent by a court or the type and severity of the student's disabling condition would make a transfer inappropriate.~~ **When a student becomes an eligible student, all rights accorded to, and consent required of, parents under this policy transfer to the student. Notwithstanding this transfer, the school corporation may disclose education records or personally identifiable information to a parent without the prior written consent of the eligible student when permitted by law, including when the student is a dependent for federal tax purposes, in connection with a health or safety emergency, or in circumstances involving alcohol or controlled substance violations as provided under 34 CFR § 99.31. Nothing in this policy prevents the school corporation from granting student rights in addition to those afforded to parents unless the student has been adjudicated incompetent by a court, or the type and severity of the student's disabling condition would make a transfer inappropriate.**

III. Custody and Protection of Education Records

- A. Place records are kept. Education records will generally be maintained in the cumulative records folders either in the administrative offices of the school corporation, in the special services office, within the student database, or in the school in which the student is currently enrolled. With the consent of the superintendent of schools or the superintendent's designee, a portion of education records may be kept in other places for

reasons of effective school administration. Upon request, a list of the types and locations of education records will be provided to a parent or eligible student.

- B. Control of the records. Education records shall be under the immediate control of the person in charge of the building where the education records are maintained. This person shall be responsible for carrying out this policy.
- C. If applicable—Record of access to education records. Each ~~individual~~ student's cumulative folder, and each student record maintained separately from the folder, shall contain as a part thereof a written form upon which any person examining such records shall indicate the following:
 1. The identity of such a person.
 2. The specific record examined.
 3. Purpose of the examination.
 4. The date on which, or in the case of a person whose job within the school corporation system requires repeated examination, the period of time over which such examinations were made.

No such record need be kept when the disclosure was to a parent or eligible student, school staff members with legitimate educational interests, a party with a written consent from the parent or eligible student, or only when directory information is released.

IV. Access to Education Records

- A. Right of access. A parent, a student, or an eligible student has the right to inspect and review the education records of such student or any part thereof. A representative of the parent or eligible student may also inspect and review such student's education records upon the written consent of the parent or eligible student.
- B. Manner of exercising such rights. Such right shall be exercised by presenting a written request to the office of the superintendent or the superintendent's designee. The request shall specify the specific education records which the parent, student, or eligible student wishes to inspect or examine. In the event the school cannot determine the exact records as described, the designated school employee shall contact the parent, student, or eligible student by letter or otherwise, to determine the desired scope of education records to be inspected.

Compliance with all requests to access education records must occur without unnecessary delay and in no case more than forty-five (45) days after a request has been made. If requested, a parent or eligible student must be given access to the student's education records before any meeting regarding an individualized education program or pending due process hearing.

All inspections of education records shall be made during regular business hours. A school official shall be available during any such inspection to assist in the interpretation of the records.

- C. Records involving more than one student. Where the records requested include information concerning more than one student, the parent, student, or eligible student shall either receive for examination that part of the record about the student of the parent or the student making the request, or where this cannot reasonably be done, be informed of the contents of the part of the record about the student of the parent or the student making the request.

V. Disclosure of Education Records to Third Parties

- A. Disclosure without the consent of the parent or eligible student. The education records of any student shall be available to the following persons, or in the following situations, without the consent of the parent or eligible student:
1. School officials within the school corporation who have legitimate educational interests. Officials with legitimate educational interests are those individuals who, at the time of access, are directly involved in the development and/or delivery of educational services to the student. A school official is a person employed by the school corporation as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board of education; a person or company with whom the school corporation has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
 2. Officials of another school, school corporation, or institution of postsecondary education where the student seeks or intends to enroll. The parent or eligible student will not be notified of the disclosure of education records to another school, school corporation, or institution of post-secondary education where the student seeks to attend or enroll. The parent or eligible student may receive a copy of the record that was disclosed upon request.
 3. Officials of another school, school corporation, or educational agency where the student is enrolled or receiving services. The parent or eligible student will not be notified of the disclosure of education records to another school, school corporation, or educational agency where the student is enrolled or receiving services. The parent or eligible student may receive a copy of the record that was disclosed upon request.
 4. Authorized representatives of the Comptroller General of the United States, the Secretary of the Department of Education, and authorized employees of the Indiana Department of Education, provided, however, that except where collection of personally identifiable data is specifically authorized by federal law, any data or copies collected by such officials with respect to individual students shall not include information which would permit the personal identification of any student or their parents.

5. Organizations conducting studies for, or on behalf of, the school corporation for the purpose of developing, validating, or administering predictive tests, and improving instruction.
 6. Accrediting organizations to carry out their accrediting functions.
 7. Parents of a dependent student, ~~as defined in section 152 of the Internal Revenue Code of 1954.~~ **as defined in federal tax law.**
 8. Appropriate state or local officials in a health or safety emergency where such officials need the information immediately to deal with a serious threat to the health or safety of students or other individuals.
 9. Where such information is furnished in compliance with a judicial order and pursuant to any lawfully issued subpoena, upon the condition, however, that a parent or eligible student is notified of all such orders or subpoenas as soon as reasonably possible after they are received, **and in any event no less than 24 hours before disclosure.**
 10. Where disclosure is to a state or local juvenile justice agency and relates to the ability of such agency to serve before adjudication the student whose records are being released, and such agency receiving the information certifies in writing that the agency has agreed not to disclose it to a third party without the consent of the student's parent, guardian, or custodian. Such information may not be used to aid in supervising a delinquent child.
 11. **In connection with a student's application for, or receipt of, financial aid.**
 12. **To an agency caseworker or other representative of a state or local child welfare agency or tribal organization that has the right to access the student's case plan and is legally responsible for the care and protection of the student, provided that the education records or personally identifiable information disclosed are not further disclosed except to individuals or entities authorized to address the student's educational needs and in accordance with applicable confidentiality laws.**
- B. Disclosure with consent. Education records may be furnished to any other person only with the written consent of the parent or eligible student.

Such written consent shall specify the records to be released, the reasons the records are to be released, to whom, and when the records may be released. To the extent reasonably possible, the school corporation shall release information to persons on the condition that such persons will maintain the confidentiality of the information and will not reveal or disseminate the information to other persons.

VI. Correction of Education Records

A parent or eligible student shall have an opportunity for a hearing to challenge the content of the student's education records to ensure that they are not inaccurate or misleading or otherwise in violation of the rights of privacy or the constitutional rights of the student. If the

parent or eligible student believes that such records should be corrected or deleted, the parent or eligible student shall advise the superintendent or the superintendent's designee, who shall provide the parent or eligible student with an informal conference. If the school corporation agrees to amend the contents of the records, the change shall occur within ten (10) business days of the date the request is received. The school corporation shall provide the parent or eligible student with notification of the change and a copy of the amended contents if the parent or eligible student requests.

In the event no agreement is reached, the parent or eligible student shall have an opportunity for a hearing to correct or delete the record by filing a statement of the relief requested, and a hearing shall be held thereon, and appeals taken, in the same manner as a charge brought under IC 20-8.1-5.1-4 or, in the case of a student with disabilities, 511 IAC 7-29-2.

VII. Copies of Education Records

Copies of education records may be provided to a parent or eligible student at no charge where such person is unable, because of distance or other valid reason, to personally inspect and review the education record. Fees for all other copies shall be assessed by the superintendent or the superintendent's designee. No fees may be assessed for the search or retrieval of education records.

VIII. Release of Directory Information

The school corporation may release certain "directory information," which means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. "Directory information" includes the student's name, address, telephone listing, parents' names and their home and work telephone numbers, major field of study, participation in official recognized activities and sports, height and weight of members of athletic teams, dates of attendance, awards received, ~~motor vehicle description (including license plate number), hair and eye color, race, sex,~~ date of birth, height, weight, grade level, photograph and videotape not used in a disciplinary matter, student work displayed at the discretion of the teacher with no grade displayed, and other similar information. This information may be released without consent to media organizations (including radio, television, and newspapers), colleges, civic or school-related organizations, and state or local governmental agencies.

A parent or eligible student who desires to object to the disclosure of any or certain categories of directory information should request Form 8 (Denial of Permission to Release Certain Directory Information Without Prior Written Consent) from the superintendent's office. An objecting parent or eligible student may use this form to deny consent for release of all directory information, or the parent or eligible student may selectively deny consent by circling those categories of directory information the parent or eligible student does not wish released.

Building principals shall take reasonable measures so that parents and eligible students are informed of their right to object to the release of directory information and that they have

fourteen (14) calendar days from the date of receipt of the Annual Notice to Parents and Students of Their Rights Concerning Education Records in which to file an objection.

IX. Education Record Retention Requirements

The school corporation shall maintain all students' education records for at least five (5) years after the student leaves the school corporation. However, a permanent record of directory information may be maintained without time limitation.

For students with disabilities, the parent or eligible student shall be notified when personally identifiable information is no longer needed to provide educational services to the student. This information shall be destroyed at the request of the parent or eligible student.

Legal References: 20 U.S.C. 1232(g)
~~20 U.S.C. 1415(b)(1)(A)~~
34 CFR Part 99
~~34 CFR 300.129~~
~~34 CFR 300.221~~
~~34 CFR 300.560-300.574~~
I.C. 20-19-2-8,9
~~I.C. 20-35-2-1~~
I.C. 20-33-7
511 I.A.C. 7-3-17
511 I.A.C. 7-3-21
511 I.A.C. 7-3-41
511 I.A.C. 7-29-2

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