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## **STUDENTS - STUDENT RECORDS**

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July 12, 2005

Legal Ref: 20 U.S.C. Section 1232g; IC 20-33-8-9

Cross Ref: Policy 2000-12

- A. Education Records. Education records consist of all official records, files, and data directly related to a student and maintained by the school. Such records encompass all the material kept in the student's cumulative folder and include general identifying data, records of attendance and of academic work completed, records of achievement, results of evaluative tests, health data, and disciplinary records. Education records are the property of the school corporation, access to and correction being governed by this policy.
- B. Exclusions. Education records shall not include the following:
1. Data which relates to a student or groups of students but by which he or they cannot be identified, as, for example, by social security number, name, address, or names of relatives, such records generally being referred to as unidentifiable student records.
  2. 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.
  3. Examples of student work product such as art and vocational objects and written work.
  4. Communication privileged under Indiana law and information required to be furnished to law enforcement or social service agencies relating to suspected child abuse or neglect under Indiana law.
- C. Parents. Parents of a student shall include parents, guardians, and custodians.

### Custody and Protection of Student Records

- A. Place records are kept. Student records will generally be maintained in the cumulative record folders either in the administrative offices of the school corporation or in the school in which the student is currently enrolled. With the consent of the superintendent or his designee, a portion of student records may be kept in other places for reasons of effective school administration.

- B. Control of the records. Student records in each place where they are maintained shall be under the immediate control of the person in charge of the building who shall be responsible for carrying out this policy.
- C. Records of access to student records. Each individual student cumulative folder, and each student record maintained separate 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 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 student, school staff members, a party with a written consent from the parent or student who is at least 18 years of age, or a party seeking directory information.

#### Access to Student Records

- A. Right of access. A parent of student who (1) is less than 18 years of age and not enrolled in a post-secondary institution, or (2) is a dependent student as defined by Section 152 of the Internal Revenue Code of 1954, has a right to inspect and review such student's records or any part thereof. A student has a right to inspect or review his or her records or any part thereof.
- B. Manner of exercising such rights. Such right shall be exercised by presenting a written request to the office of the superintendent or his designee. The request shall specify record(s) which the parent or student wishes to inspect or examine. In the event the school cannot determine the exact records as described, the designated school employee shall immediately contact the parents or student by letter or otherwise, to determine the desired scope of records to be inspected.

Such inspections shall be made during reasonable business hours determined by mutual agreement between the school employee and the parents or student. A school official shall be present 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 parents shall either receive for examination that part of the record pertaining to their child, or where this cannot be reasonably done, be informed of the contents of the part of the record pertaining to their child.

## Access to Student Records by Third Parties

A. Access without the consent of the parents or student who is at least 18 years of age or enrolled in a post-secondary institute. The education records of any student shall be available to the following persons, or in the following situations, without the consent of the parents or student who is at least 18 years of age or enrolled in a post-secondary institution:

1. School officials within the school corporation who have legitimate educational interests.
2. Officials of another school system or institution of post-secondary education where the student seeks or intends to enroll. The parent or student will not be notified of the disclosure of education records to another school, school system, or institution of post-secondary education where the student seeks to attend or enroll. The parent or student who is at least 18 years of age may receive a copy of the record that was disclosed upon request.
3. Authorized representatives of the Controller General of the United States or the Secretary of the Department of Health, Education and Welfare or other federal agency, 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.
4. Organizations conducting studies for, or on behalf of the school corporation for the purpose of developing, validating, or administering predictive tests, and improving instruction.
5. Accrediting organizations in order to carry out their accrediting functions.
6. 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.
7. Where such information is furnished in compliance with a judicial order and pursuant to any lawfully issued subpoena, upon the condition however, that parents are 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.

B. Access to records with consent. Education records may be furnished to any other person with the written consent of:

1. The parent of a student who is less than 18 years of age unless the student is attending an institution of post-secondary education, or

2. The student who is at least 18 years of age or is attending an institution of post-secondary education.

Such written consent shall specify the records to be released, the reasons the records are to be released, and to whom. 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.

### Correction of the Student Records

Parents still have an opportunity for a hearing to challenge the content of their child's education records to insure that they are not inaccurate or misleading or otherwise in violation of the rights of privacy or the constitutional rights of the child. If the parents believe that such records should be corrected or deleted, they shall advise the superintendent or his designated representative, who shall provide them an informal conference. In the event no agreement is reached, the parent shall have an opportunity for a hearing to correct or delete the record by filing a statement of the relief they request and a hearing shall be held thereon, and appeals taken, in the same manner as a charge brought under IC 20-33-8-9.

### Copies of Records

Copies of records at no charge may be provided to a (1) parent of a student under 18 years of age or dependent student as defined by Section 152 of the Internal Revenue Code of 1954, or (2) student who is at least 18 years of age or enrolled in a post-secondary institute of higher instruction, where such person is unable because of distance or other valid reason to personally inspect and review the education record. Fees for copies shall be assessed at an amount set by the school corporation in Policy 2000-12.

### 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 and which includes, but is not limited to, the student's name, address, parents' names, major field of study, participation in official recognized activities and sports, height and weight of members of athletic teams, dates of attendance, awards received, sex, photograph, date of birth, grade level, and other similar information, without consent to media organizations (including radio, television, and newspapers), colleges, civic or school-related organizations and state and local governmental agencies.

Parents of a student less than 18 years of age or of a student who is at least 18 years of age desiring to object to disclosure of any or certain of the categories of directory information should submit in writing a denial of permission to release certain directory information to the building principal.

An objecting parent or student may request in writing to deny consent for release of all directory information, or he/she may selectively deny consent by circling those categories of directory information he/she does not wish released.

Building principals shall insure that parents are informed of their right to object to the release of directory information and that they have 14 calendar days from the beginning of the school year in which to file an objection.