

## J-43 EDUCATION RECORDS

The Board of School Trustees of the Plainfield Community School Corporation in compliance with the provisions of the "Family Educational Rights and Privacy Act," and as the legal governing body for the school corporation has authorized the school administration to take the necessary steps to formulate an Administrative Rule and necessary forms to comply with the law.

A copy of the administrative rule, including sample procedural forms, may be inspected in the superintendent's office, any principal's office and/or any guidance counselor's office.

### DEFINITIONS

- A. Education Records - Education records are those 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 individualized education programs. Education records are the property of the school corporation. Access to and correction of education records is governed by this policy.
1. Exclusions - Education records do not include the following:
- a. Data which relates to a student or groups of students but by which the students cannot be identified.
  - b. 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.
  - c. Privileged communications made under IC 20-6.1-6-15 and information required to be furnished to law enforcement or social service agencies relating to suspected child abuse or neglect under IC 31-6-11.
  - d. 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 noncustodial parent of a student.
- C. Student - Student is any individual who is or has been in attendance at the school corporation.
- D. Eligible Student – Eligible student is a student who has reached eighteen (18) years of age or is attending 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 of 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.
  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 who the school reasonably believes knows the identity of the student to whom the education record relates.

#### 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.
- 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.

#### CUSTODY AND PROTECTION OF EDUCATION RECORDS

- A. Place records are kept - Education records will generally be maintained in the cumulative record folders either in the administrative offices of the school corporation, in the special services office, or in the school in which the student is currently enrolled. With the consent of the superintendent 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. Record of access to education 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 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, 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 immediately 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 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 parent, student, or eligible student shall either receive for examination that part of the record pertaining to 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 pertaining to the student of the parent or the student making the request.

## 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.
  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 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 so long as the disclosure is for purposes related to the student's enrollment or transfer. 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 Health, 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 in order to carry out their accrediting functions.
  7. Parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.
  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 the supervision of a delinquent child.

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 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 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 to the School Board, in the same manner as under the school student discipline rules or, in the case of a student with disabilities, under 511 IAC 7.

### 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 the actual costs of the 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.

### 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, telephone listings, major, participation in officially recognized activities and sports, height and weight of members of athletic teams, dates of attendance, awards received, date of birth, and grade level, 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 disclosure of any or certain of the categories of directory information should request form: 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 ensure 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.

LEGAL REF: 20 U.S.C. 1232 g	IC 20-19-2-8, 9	511 IAC 7-23-1
34 CFR 300.560 et seq.	IC 20-35-2-1	511 IAC 7-23-2
34 CFR Part 99	IC 20-33-7	511 IAC 7-23-3

SOURCE: Plainfield Community School Corporation  
Plainfield, IN

ADOPTED: Prior to 08/10/66

REVISED: 08/01/72, 11/19/74, 06/14/90, 02/11/99, 06/14/01, 12/13/01, 03/14/02, 01/10/06,  
02/11/10