

Student Records

Section 1. General. During a student's school career, the school collects and records data concerning the student.

A copy of each student's records will be on file in the individual school. The collection, maintenance, and dissemination of these records shall be the responsibility of the Executive Director of Student Services and Corporate Security. The building principal shall also have responsibility pursuant to the direction of the Executive Director of Student Services.

Students, parents, or legal guardians shall have accessibility to the records until such time as the student reaches the 18th birthday; thereafter, only the student has accessibility to the records.

Section 2. Education Records. For the purposes herein, the term "education records" includes those records, files, documents, and other materials which:

1. Contain information directly related to a student and shall include but not be limited to:
 - A. Health records;
 - B. Academic records;
 - C. Test records; and
2. Are maintained by the school.

The term "education records" does not include:

1. Records of instructional, supervisory, and administrative personnel, which are in sole possession of the maker and are not accessible or revealed to any other person.
2. Records and documents of law enforcement units which are kept apart from other student records and are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction.
3. Records on a student eighteen (18) years of age or older, or who is attending an institution of post-secondary education, which are made or maintained by a physician, psychologist, or other recognized professional acting in his/her

professional capacity or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by physicians or other appropriate professionals of the student's choice.

4. Records which are 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, parent's names and their home and work telephone numbers, major field of study, student work for display at the discretion of the teacher (no grade displayed), 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, video tape image, and other similar information, without consent to media organizations (including radio, television, and newspapers), colleges, civic or school-related organizations and state or local government agencies.

Section 3. Definitions.

1. "Student": For purposes herein, the term "student" means and includes any person who is or has been in attendance in any East Allen County School, and for whom education records or personally identifiable information has been maintained.
2. "Eligible student": Eligible student shall mean any student or former student eighteen (18) years of age or any student who is attending an institution of post-secondary education and for whom the East Allen County Schools maintains records of personally identifiable information.
3. "Parent": For purposes herein, "parent" means a natural parent, an adoptive parent or the legal guardian of a student.
4. "Personally Identifiable": For purposes herein, "personally identifiable" means:

- A. The name of a student, the student's parent or other family member:
 - B. The address of the student.
 - C. A personal identifier (student's social security number).
 - D. A list of personal characteristics which would make it possible to identify the student.
 - E. Other information which would make it possible to identify the student.
5. For purposes herein, education records shall not be deemed to include any privileged or confidential communications made to a school counselor in his/her capacity as counselor by a student and information of child neglect by parents required to be furnished to a law enforcement agency.

Section 4. Custody and Protection of Student Records.

Location of Records. Student education records will generally be maintained in the cumulative record folder, either in the administration offices of the school corporation and/or in the school which the student is currently enrolled. With the consent of the Superintendent of Schools, or his designee, a portion of student records may be kept in other places for reasons of effective school administration, such as data collected and maintained in physical education, vocational, health, or special education.

Control of the Records. Student records in each place where they are maintained shall be under the immediate control of the Executive Director of Student Services and Corporate Security and the building principal.

Record of Access to Student Records (Ad-30). Each individual's file containing student education records shall contain a form upon which any person or agency examining or requesting to examine such records shall indicate the following:

- 1. The identity of such person, except when the person examining is a School administrator, counselor, teacher, or behavior specialist who has been determined by the Executive Director of Student Services and Corporate Security and/or the building principal to have legitimate educational interest in such records.
- 2. The specific record examined.

3. Purpose of the examination and interest of examiner.
4. The date(s).

Such record of access shall be available to parents, to the Executive Director of Student Services and Corporate Security, and to the school principal and his/her designee(s) who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, such clauses herein which provide for a means of auditing the operation of the system.

Section 5. Access to Student Records.

Right of Access. A parent of a student (1) who is under the age of eighteen (18) years; and (2) who is currently enrolled in the school system; and (3) whose records are maintained by the school system, has a right to inspect and review such student's education record.

Manner of Exercising Such Rights. Such rights shall be exercised by presenting a written request to the Executive Director of Student Services and Corporate Security, building principal, or their designee. The request shall specify the records which the parents wish to inspect, examine or have copied. In the event the school cannot determine the exact records as described, the designated school employee will immediately contact the parents by letter or otherwise, to determine the desired scope of records to be inspected, examined, and/or copied.

Such inspection shall be made during school hours and in no event shall be more than twenty (20) calendar days after submission of the written request. The Executive Director of Student Services and Corporate Security, principal, or their designee shall be present during any such inspection to assist in the interpretation of the records where they reasonably require any professional interpretation. Copies of records presented to the parents must have the signature of the Executive Director of Student Services and Corporate Security, principal, or their designee.

Psychological evaluations may be examined and inspected by parents. If parents request a copy of the psychological evaluation, they may receive such from the Executive Director of Student Services and Corporate Security or the building principal.

Parents or students receiving copies of their records should indicate on Form Ad-30 the record or records received, the date, and the signature of the receiving person.

Records Involving More than One Student. Where the records requested include information concerning more than one student, the parent shall either receive for examination that part of the record pertaining to his child, or, where this cannot

reasonably be done, be informed of the contents of that part of the record pertaining to the child.

Students Over Eighteen (18) Years of Age. Whenever a student has attained eighteen (18) years of age, or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to parents under this regulation, shall thereafter only be required of and accorded to the student.

Section 6. Access to Student Records by Other Than Parents. School officials may have access to student records. They must secure approval of the building principal in order to have access to a student's records and must complete Form Ad-30. This includes all personnel working as system-wide/central office staff (IEP monitor, school psychologists, social workers, special education administrators, etc.).

The persons/agencies as enumerated below must secure approval of the building principal in order to have access to student's records, and such access must be recorded on Form Ad-30.

1. Officials of other school systems in which the student seeks or intends to enroll, upon request. Although no notice shall be sent to the parent or student, such parent or student will have the right to receive a copy of such records and an opportunity to be heard to correct such records if desired and requested (Form Ad-30a).
2. Authorized representative of the Comptroller General of the United States, the Secretary of the Department of Education, and administrative head of an education agency of state educational authorities, under the conditions that such information be used in connection with the audit and evaluation of federally supported educational programs or in the enforcement of the federal legal requirements which relate to such programs, except when collection of personally identifiable information is specially authorized by federal law, any data collected by such officials shall be projected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal requirements.
3. In connection with a student's application for or receipt of financial assistance.
4. Where such information is furnished in compliance with a judicial order, or pursuant to any lawfully issued subpoena,

upon condition that parents and the students are to be sent notice of all such orders or subpoenas in advance of the compliance therewith by East Allen County Schools.

- 5 State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to the laws of the State of Indiana adopted prior to November 19, 1974.
6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organization and such information will be destroyed when no longer needed for the purpose for which it is conducted.
7. Accrediting organizations in order to carry out their accrediting functions.
8. Parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954.
9. Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Access with Consent of Parents. Records may be released to whomever has written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with copy of the records to be released to the student's parents and the student, if desired by the parents (Form Ad-31).

Confidentiality. All records and other personally identifiable information released to persons other than the student's parents shall be released only upon the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student (Form Ad-32).

Section 7. Correction of the Student Education Records. Parents shall have an opportunity for a hearing to challenge the content of their child's education records in order to ensure that they are not inaccurate or misleading or otherwise in violation of the rights of privacy or other constitutional rights of the child. In the event the parents are of the opinion that such records should be corrected, or deleted, they shall advise the Executive Director of Student Services and Corporate Security or the building principal. An attempt to make any necessary changes to correct inaccurate or

misleading records shall be made by the parents and the principals, or designee, through an informal conference or comparable means. In the event no agreement is reached, the parents shall have an opportunity for a hearing before the Executive Director of Student Services and Corporate Security to correct or delete the record by filing a statement of the relief they request, and a hearing shall be held thereon. Appeals may be taken in the same manner as a charge brought under the student due process procedure. At any time, a parent may insert into such records a written explanation by the parents respecting the content of such records.

Section 8. Limitation. Nothing in this regulation shall operate to make available to students in institutions of post-secondary education the following materials:

1. Financial records of the parents of the student or any information contained therein.
2. Confidential letters and statements of recommendation, which are placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended.
3. If the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph B, below, as to confidential recommendations:
 - A. Respecting admissions to any educational agency or institution;
 - B. Respecting an application for appointment; or
 - C. Respecting the receipt of an honor or honorary recognition.

Section 9. Waiver. A student or a person applying for admission may waive his right of access to confidential statements described above, except that such waiver shall apply to recommendations only if the student is, upon request, notified of the names of all persons making confidential recommendations and such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

Section 10. Directory Information. Before East Allen County Schools makes public any directory information, annual public notice of the categories of information which it has designated as such information with respect to each student attending East Allen County Schools shall be given and a reasonable period of time after such notice has been given shall be allowed for a parent to inform East Allen County

Schools that any or all of the information designated should not be released without the said parents' prior consent. Parents and eligible students may refuse to allow EACS to disclose any or all of such "directory information" upon written notification to EACS within twenty (20) days after receipt of the notice provided entitled "Annual Notice to Parents and Students of Their Rights Concerning Education Records."

EACS may disclose directory information on former students without parental or student consent.

Section 11. Notification of Rights. At the beginning of each year and upon the arrival of any student within the system subsequent to such time, the Executive Director of Student Services and Corporate Security shall inform the parents of students, or the students, if they are eighteen (18) years of age or older, of the rights accorded them by this regulation.

Section 12. Costs – Copying. Reproduction of any records shall be at the cost of the parent(s) or student requesting such. The cost of the reproduction will be ten (10) cents per page.

Section 13. Listing of Records. Each school shall maintain a listing of the locations and types of student education records maintained and used by the school. This list shall be submitted to the Executive Director of Student Services and Corporate Security at the beginning of each school year.

Legal Reference:

20 USC 1232g

34 CFR 300.560 et seq.

34 CFR Part 99

IC 20-1-1-6

IC 20-1-6-2.1

IC20-1-.1-22.4

511 IAC 7-23-1

522 IAC 7-23-2

511 IAC 7-23-3