

REMINDER OF STUDENT PRIVACY OBLIGATIONS

Faculty and staff at the Metropolitan School District of Southwest Allen County ("SACS") often have access to confidential information regarding SACS' students. SACS expects all of its employees to handle such information appropriately.

SACS Board Policy 4170 (a copy of which is attached) outlines the proper procedures for handling student records and/or confidential student information. All employees are expected to comply with this policy. In particular, employees should keep the following points in mind:

1. Under federal law, the term "parent" includes a natural or adoptive parent or a legal guardian.
2. Unless there is an order from the Court stating otherwise, custodial and non-custodial parents have the same right to view their child's student records.
3. Once a student turns 18, the student, rather than his or her parents, can authorize the release of records. The parents still have the right to see the student's records if the student is reported as a dependent on the parents' taxes.
4. Generally, faculty and staff must have the written permission of the student's parents to release confidential student information.
5. Confidential student information may be released to a SACS' employee without the permission of the student's parents if the employee has a legitimate educational interest in the information. This means that the employee must be directly involved in the development and/or delivery of educational services to the student.
6. Faculty and staff must not treat confidential student information as the subject of gossip.
7. Teachers must not release confidential student information to the parents of another student. Often, parents may be quite interested in such information, but confidential information cannot be released except in accordance with Board policy, as well as state and federal law.

I acknowledge receipt of SACS Board Policy 4170, and understand that I must comply with that policy and the directives set forth above.

Signature of Employee

Date

Printed Name of Employee

Title

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ADMINISTRATIVE GUIDELINES

1. All current Southwest Allen County Schools' employees will sign the Student Privacy Obligations form at the beginning of 2011-12 school year.
 - a. Employee will be given a copy of the Student Privacy Obligations form and Board policy 4170 at the building level.
 - b. The signed Student Privacy Obligations form is to be sent to Human Resources for retention in the employee's personnel file.
2. After initial signing of form by all Southwest Allen County School's employees in 2011-12 school year, the Student Privacy Obligations form will be included in the initial hiring orientation materials for all new employees.
3. An annual reminder of Student Privacy Obligations will be sent by e-mail from HR to all Southwest Allen County Schools' employees with a review provided by the principal/manager at an initial yearly staff meeting. However, the form will not be signed annually.
4. Completed Student Privacy Obligation forms will be maintained in the employee's personnel file in HR.

Frequently Asked Questions (FAQ)

1. Step-parent does not meet the definition of parent.
2. A parental relationship can be confirmed by checking the birth certificate, adoption documents or legal guardianship documents. It is the parent's responsibility to provide copies of the court documents.
3. Questions that cannot be resolved at the building level should be referred to the school social worker.
4. Volunteers (non-employees) should never have access to student records.

4170 Education Records

Definitions

1. 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 individualized education programs. Education records are the property of the school corporation. Access to and correction of education records is governed by this policy.
2. Exclusions. Education records do not include the following:
 - a) Data which relates to a student or groups of students but by which the student(s) cannot be identified.
 - b) Records kept in the sole possession of the maker and which are not accessible or revealed to other persons except a temporary substitute. 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.
3. 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 parent of a student.
4. Student. Student is any individual who is or has been in attendance at the school corporation.
5. Eligible Student. Eligible student is a student who has reached eighteen (18) years of age.
6. Disclosure. Disclosure is to permit access to, release of, transfer of, or communication of, education records or personally identifiable information from education records to any party by any means, including oral, written, or electronic means.
7. 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:
 - a) The name of a student, a student's parent, or any other family member.
 - b) The address of a student or student's family.
 - c) A personal identifier such as a student's social security number.
 - d) A list of personal characteristics, including disability designation, that would make the student's identity easily traceable.
 - e) Other information that would make the student's identity easily traceable.

8. Directory Information. Directory information is information that may be disclosed to third parties unless a student's parents or an eligible student have requested in writing that the school withhold the release of directory information. Directory information includes:

- a) Name of student,
- b) Name(s) of student's parent(s),
- c) Address, telephone number and electronic mail address of student and parent(s),
- d) Video tapes and pictures of student,
- e) Earned awards and achievements of student,
- f) Student's participation in officially recognized activities and sports,
- g) Weight and height of members of athletic teams,
- h) Grade level of student,
- i) Date and place of birth of student,
- j) Gender of student.

Rights of a Parent and an Eligible Student

1. Rights of a Parent. The rights afforded to a parent under this policy shall be given to either parent, including a custodial and non-custodial 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.

When a student is eighteen (18) years of age or older and claimed as a dependent by the parent, the parents retains the right to review the student's records.

2. 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

1. 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.

2. 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.

3. 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:
 - a) The identity of such person,
 - b) The specific record examined,
 - c) Purpose of the examination, and
 - d) 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 eligible student, school staff members with legitimate educational interests, a party with a written consent from the parent or eligible student, or a party seeking directory information.

Access To Education Records

1. 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.
2. 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.
3. 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

1. 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:
 - a) 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.

- b) 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.
- c) 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.
- d) Authorized representatives of the Comptroller General of the United States, the Attorney 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.
- e) Organizations conducting studies for, or on behalf of the school corporation for the purpose of developing, validating, or administering predictive tests, and improving instruction.
- f) Accrediting organizations in order to carry out their accrediting functions.
- g) Parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
- h) 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.
- i) Where such information is furnished in compliance with a judicial order and pursuant to any lawfully issued subpoena, or where school has initiated legal action against a parent or student, 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. In any event no less than 24 hours before disclosure unless the disclosure is in compliance with a Federal grand jury subpoena or other subpoena for law enforcement purposes and court or issuing agency has ordered that the existence or contents of the subpoena or information furnished in response to the subpoena not be disclosed.

j) Directory information may be released upon request unless a student's parent or an eligible student has notified the school in writing of their request to withhold release of directory information. Upon receipt of a request for directory information, school principal will verify that the request is appropriate and that a student's parents or an eligible student have not filed a written request to withhold all or part of the directory information. Annual notice will be given to parents and eligible students in the school's handbook stating what information is considered directory information and how a parent or an eligible student may restrict the release of directory information. Parents or an eligible student have until 30 days after the beginning of each school year (or 30 days after the enrollment of a student) to notify the school in writing to withhold all or part of the directory information related to a student.

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 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 in the manner required by 34 C.F.R. 99.22.

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. The superintendent or the superintendent's designee shall assess fees for all other copies. No fees may be assessed for the search or retrieval of education records.

(Revised: 12/20/94, 2/20/01, 9/21/04, 3/18/09.)