

## EDUCATION RECORDS

This Policy and its definitions shall be interpreted to be consistent with the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232(g) and 34 C.F.R. Part 99; and I.C. 20-33-7-1 *et. seq.*

### Definitions

***“Directory information”*** means:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems or displayed on a student ID badge

***“Education records”*** means records that are:

- 1) Directly related to a student; and
- 2) Maintained by District or an employee or agent.

The term does not include:

- 1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- 2) Records of law enforcement officer.

- 3) A. Records relating to an individual who is employed by the District that:
  - i. Are created and maintained in the normal course of business;
  - ii. Relate exclusively to the individual in that individual's capacity as an employee; and
  - iii. Are not available for use for any other purpose.
- B. Records relating to an individual in attendance in the District who is employed as a result of his or her status as a student are education records and not exempted under paragraph (3)(A) of this definition.
- 4) Records of a student who is 18 years of age or older, or is attending an institution of post-secondary education, that are:
  - A. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional, or assisting in a paraprofessional, capacity;
  - B. Made, maintained, or used only in connection with treatment of the student; and
  - C. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" excludes remedial educational activities or activities that are part of the District's program of instruction; and
- 5) Records that only contain information about an individual after he or she is no longer a student.

***"Eligible student"*** means a student who has reached 18 years of age or is attending an institution of postsecondary education.

***"Parent"*** means 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 a guardian. In the case of unmarried parents, this definition and rights within apply to either parent, unless the District has been provided with evidence that there is a court order, state statute, or legally binding document related to such matters as divorce, separation, or custody that specifically revokes these rights.

***"Personally Identifiable Information"*** includes, but is not limited to -

- (a) The student's name;
- (b) The name of the student's parent or other family members;

- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (f) 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; or
- (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

## **Statement of Policy**

MSD of Wayne Township desires to preserve to the extent possible students' rights of privacy and to afford students and their parents the right to request corrections to inaccurate information contained in education records. In compliance with FERPA,

1. The District shall annually notify parents or eligible students of their rights under FERPA, and where additional copies may be obtained.
2. The annual notice shall inform parents or eligible students that they have the right to:
  - (a) Inspect and review the student's education records;
  - (b) seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
  - (c) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
  - (d) to file complaints under FERPA concerning alleged failures by the District to comply with the requirements of FERPA.
3. The Superintendent shall issue administrative guidelines for:
  - (a) Specific procedures to be followed, including who is responsible for maintaining education records, a record of disclosures or requests to inspect, and how a parent or eligible student may seek amendment of an educational record..
  - (b) An understanding that the District will not deny access unless there is a legitimate, lawful reason.

- (c) A schedule of fees for copies.
- (d) A list of the types and locations of the records, and titles of "officials" responsible for the records.
- (e) A transfer procedure of educational records to a school in which the student plans to or has enrolled.

The District will not disclose to unauthorized individuals personally identifiable information from the educational records, unless it is in the form of directory information or disclosure without consent is authorized by FERPA.

Student medical records resulting from participation in school-based treatment services or treatment services provided by an outside professional care provider contracted and paid for by the school are considered private. The District will not share any reports or notes resulting from school-based treatment services with other school officials. Additionally, the District will not maintain any reports, notes, diagnosis, or appointments resulting from a student's participation in outside treatment as described in this Policy in the student's permanent educational file.

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g  
I.C. 20-33-7  
I.C. 20-34-9

MSD of Wayne Township, Marion County, Indiana

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