

Diocese of Fort Wayne-South Bend

Students

Access to Official Student Records

In accordance with the Family Educational Rights and Privacy Act (“FERPA”) of 1975, any natural parent, guardian, or individual acting as a parent in the absence of a parent or guardian of a student has the right “to inspect and review” his/her minor student’s educational records, unless the school has been provided with a court order, State statute, or legally-binding documents that specifically precludes such inspection and review. In addition, a student who has reached eighteen (18) years of age or is attending an institution of post-secondary education will have all access rights that his/her parent or guardian would have had prior to that time. Absent such court order or legally-binding document, a non-custodial parent has the same right to inspect and review as a custodial parent.

- I. All schools shall follow the diocesan policy and procedure regarding requests for access to student educational records, in accordance with FERPA.
 - A. A “parent” means a parent of a student and includes a natural parent, guardian, or an individual acting as a parent in the absence of a parent or a guardian.
 - B. An “eligible student” means a student who has reached eighteen (18) years of age or is attending an institute of post-secondary education.
 - C. All student records are confidential and may be accessed only by those authorized to do so. (See J.) This includes health records, psychometric testing, and student academic records but does not include counseling reports/files protected by statute.
 - D. Personally identifiable information is in all student records. Personally identifiable information will not be released without the prior written consent of the parent or eligible student unless FERPA allows its release without consent, such release is in compliance with a judicial order or pursuant to any lawfully issued subpoena with prior notice to parents and students, or, if the information released is “directory information.” Directory information includes:

Name	<i>Participation in officially recognized activities and sports.</i>
Address	<i>Weight and height of athletic team members.</i>
Date and place of birth	<i>Dates of attendance.</i>
Telephone listing	<i>Degrees, honors, and awards received.</i>
E-mail address	
Photograph	<i>Most recent previous educational agency or institution attended by the student.</i>
Major field of study	<i>Grade level.</i>
Enrollment status	

- E. Parents and eligible students will be annually notified of their rights under the Family Education Rights and Privacy Act ("FERPA") through the local school parent/student handbook.
- F. All student files are maintained in a secure place including files of graduates.
- G. Parents are permitted to inspect and review educational records pertaining to their child who is under the age of 18 and who has not entered college. These rights transfer from the parents to the student when the student becomes eighteen (18) years of age, or enters an institute of post-secondary education, (i.e., an "eligible student"), unless the student has been adjudicated incompetent.
- H. The parent or eligible student has authority to inspect and review records relating to the student and is given full rights of inspection and review.
- I. The right to inspect and review educational records includes:
 - 1. The right to reasonable requests for explanations and interpretations of the records of the school;
 - 2. The right to receive copies of the records from the school if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records;
 - 3. The right to have access to records within a reasonable time (no more than 45 days after the request);
 - 4. The right to receive a copy of the student's educational records from the school to use in a contemplated or pending hearing within the school.
- J. The school may disclose a student's records without a parent or eligible student's permission as follows:
 - 1. To other school officials who have legitimate educational interests;
 - 2. To officials of other schools in which the student intends to enroll, provided that the parents are notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing;
 - 3. To authorized representatives of the Comptroller General of the United States, the Secretary of Education, or state or local educational authorities in accordance with 20 U.S.C. §§ 1232g(b)(3) and (b)(5), and authorized representatives of the attorney general for law enforcement purposes in accordance with § 1232g(b)(3).

4. To appropriate persons in connection with a student's application for receipt of financial aid;
 5. To state and local officials to whom such information is required to be disclosed by state statute adopted within a certain time frame;
 6. To organizations conducting studies on behalf of educational agencies to develop, validate, or administer predictive tests;
 7. To accrediting organizations;
 8. To parents of a dependent student of such parents as defined by Section 152 of the Internal Revenue Code;
 9. In connection with an emergency, to appropriate persons if knowledge of such information is necessary to protect the health or safety of the student or other persons;
 10.
 - a. To the entity or person designated in a Federal grand jury subpoena;
 - b. To the entity or persons designated in any other subpoena issued for a law enforcement purpose.
 11. Pursuant to a court order obtained by the Attorney General or the Attorney General's designee relative to the investigation and prosecution of terrorism;
 12. To the extent they contain information provided to the school pursuant to Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, concerning registered sex offenders;
 13. To the extent the information is "directory information;"
 14. In a legal action involving the school and parent(s) or eligible student(s) if such records are relevant for the school to either proceed with the legal action, or defend itself in the legal action; and
 15. Any other situation in which such disclosure is permitted by federal, state or local laws or regulations.
- K. Each educational file has a record of each request for access to and each disclosure of personally-identifiable information from the file. The record of access includes:
1. The identity of the party or parties;

2. The date access was given, and
 3. The legitimate interest the party had in gaining access to the information. (The Record of Access and Review of Official Student Records form is found in the Administrative Handbook).
- L. Upon request, the parent or eligible student may obtain a copy of the record that was disclosed.
- M. The school requires written dated consent of a parent or eligible student before it discloses personally-identifiable information from the student's educational record, except in the situations described in J. above. The written consent specifies:
1. The records that may be disclosed,
 2. The purpose of the disclosure, and
 3. The person or class of persons to whom the records may be disclosed. (In such cases, the parent or eligible student, upon the parent's request, shall be given a copy of the record disclosed.)
- N. The school permits a parent or eligible student to request correction of the student educational record where they believe that such information is inaccurate, misleading, or in violation of student's rights of privacy or other rights. If the school decides not to amend the record, the school shall inform the parent or eligible student of its decision and his or her right to have a hearing on such a decision in accordance with FERPA. If the school, after the hearing, decides the record is accurate, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record and why he or she disagrees with the decision.
- O. In compliance with FERPA, the following statement will appear annually in the local diocesan school's Parent/Student/ Handbook:

Such natural parent, guardian, individual acting as a parent in the absence of a parent or a guardian of a student, or eligible student may request the amendment of his/her student's (or his/her own) educational records if he/she believes that such records are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. If the principal decides not to amend the record as requested, such natural parent/guardian/acting parent/eligible student is entitled to a hearing on his/her request. 20 U.S.C. § 1232(g); 34 C.F.R. Part 99.

ANNUAL NOTIFICATION OF PARENTAL ACCESS RIGHTS TO STUDENT'S RECORDS

Family and Educational Rights and Privacy Act

Any natural parent, guardian, individual acting as parent in the absence of a parent or guardian of a student of a diocesan school, or a student or former student who has reached eighteen (18) years of age or is attending an institution of post-secondary education has the following rights (unless there is a court order, State statute, or other legally-binding document precluding these rights):

1. Inspect and review the student's educational records;
2. Request the amendment of the student's educational records if he/she believes that they are not accurate,
3. Consent to disclosure of personally-identifiable information contained in the student's education records, except to the extent that the Family Education Rights and Privacy Act and the FERPA Regulation 99.31 authorize disclosures without consent, and
4. File with the U.S. Department of Education a complaint under 34 C.F.R. § 99.63 and § 99.64 concerning alleged failures by the agency or institution to comply with the requirements of the Act and this part.

Procedure for Inspecting and Reviewing Education Records

A parent/guardian/individual acting as a parent/eligible student may inspect or review the student's education records through a written request submitted to the school's principal which specifies the specific education records to be inspected or examined. In the event the principal cannot determine the exact records as described, the principal or his/her designee shall immediately contact the parent/guardian/individual acting as a parent/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 will occur without unnecessary delay, and in no case, more than 45 days after a request has been made. If requested, a parent/guardian/individual acting as a parent/eligible student must be given access to the student's pertinent education records before any meeting regarding an individualized education program or pending disciplinary hearing.

All inspections of education records shall be made during regular business hours.

Procedure for Requesting Amendment of Educational Records

In the event that a parent/guardian/individual acting as a parent/eligible student believes that information in the student's education records is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, he/she may submit a written request to the principal for amendment of such records.

The school shall decide whether to amend the records as requested within a reasonable time after it receives the request.

If the school decides not to amend the record as requested, it shall inform the parent/guardian/individual acting as a parent/eligible student of its decision and his/her right to a hearing.

A parent/guardian/individual acting as a parent/eligible student may request a hearing regarding amendment of the student's education records in writing to the school principal.

Disclosure of Education Records to School Officials

The school may disclose students' education records to school officials, including teachers, who are determined to have a legitimate educational interest in the records without prior consent from the parent/guardian/individual acting as a parent/eligible student.

The school considers the following criteria in determining who constitutes a school official: A "school official" is any person in the Catholic Schools Office, or the school where the student (whose educational records are at issue) is attending, or has attended, who holds a position that involves 1) administering the school attended by that student, or several schools, including the school attended by that student; 2) teaching at a school attended by that student; or 3) providing guidance or counseling services to students at the school attended by that student.

The school utilizes the following criteria for determining what constitutes a legitimate educational interest: A "legitimate educational interest" is an interest in viewing a student's educational records relating to: 1) the student's academic history and performance; 2) the student's disciplinary history; 3) obtaining information relating to guidance counseling or providing academic, personal, or other guidance to the student; and 4) the administration of the school attended by that student or Diocesan schools in general.

See Procedure P4170.

See "Record of Access and Review of Official Student Records" form in the School Administrative Handbook