

Student Records and the Annual Notice

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Within our ACPE CPE centers, we take seriously the care, privacy, and confidentiality of student records as matters of our ethical practice. Recently, some supervisors have had questions about this, particularly in relation to the need for centers to publish an *Annual Notice* before the beginning of each unit. This article will serve as a reminder about care of student records and will provide clarity about annual notices. Please be aware that this is an overview: for complete information about student records and the *Annual Notice*, please see the *Accreditation Manual*, Appendix 7B, pages 88-90.

FERPA and ACPE CPE Centers

Because ACPE is recognized as a higher-education entity, the *Family Education Rights and Privacy Act (FERPA)* applies to all ACPE CPE programs. FERPA addresses the privacy of students' information. Thus, students own the information about themselves, and it cannot be shared without students' written permission. Students must know what is being collected and how it is being used. Each ACPE Center has an obligation to let students know that this is the case, as well as to inform them about how Centers use this information.

What must the Center address in its policy(ies) about student records?

Remember, ACPE Centers write and follow their policies. Centers are required to have a policy regarding student records (Standard 304.4). In relationship to student records, all the information in the Accreditation Manual, Appendix 7B, must be addressed.

What is a student record?

You will recall that a "student record" is any record (paper, electronic, video, audio, biometric etc.) directly related to the student from which the student's identity can be recognized. A student record is any record that is maintained by the education program/institution or a person acting for the institution. So, application materials of students admitted and matriculated are part of the student record. As well, some Centers may include material written by students, such as verbatims and case histories. What Centers include in the student record should be clearly outlined in the Center's policy(ies) on records management (Standard 304.4).

What is kept in the student record?

When writing a center policy or policies about student records, ACPE Centers must include that ACPE requires that the CPE student record include the face sheet with directory information, the CPE supervisor's evaluation report and the student's own evaluation report, if submitted. As well, the policy should state that a copy of the CPE supervisor's evaluation report will be available to the student within 45 days of the end of the unit (See Standard 308.8.1). The student will be informed that the center will keep this evaluation for a specified period of time, and it will not be available to anyone else except with written permission from the student, with certain exceptions (see below). If the student's own evaluation is included, it will be kept with the supervisor's subject to the same provisions. Material written by students, such as verbatims and case histories that contain information about other persons, including other students, will either be destroyed or, if they are part of the student's record, will have the identifiable information about everyone other than the student redacted. CPE Supervisors may keep process notes on

students. These process notes are for the exclusive use of the supervisor and are not considered a part of a student's record. They should be kept separately from the student record.

What is “directory information”?

“Directory information” is student information not generally considered harmful or an invasion of privacy if released. Each Center should define what it considers directory information that will be released without specific consent unless a student “opts out.” Common directory information includes: name, address, email, telephone, date of birth, religion, previous education, and photograph. All other information is released only with the student's written, signed, dated consent specifying which records are being disclosed, to whom, and for what limited purpose. Centers must advise the student that the Center Supervisor will use the student's name, address, denomination and unit of CPE successfully completed to send to the ACPE office a student unit report at the completion of each unit of CPE, in order to register the unit. So, if an ACPE Center is not collecting and publishing information other than common directory information and if the students have been advised of the use of their information, there is no need for students to give specific consent for the use of this information to register units.

Students must have received the *Annual Notice* before other information can be released. Current students may also restrict directory information and/or record access at any time during the time in which they are in attendance. These restrictions must also be honored even after the student's departure. However, former students cannot initiate new restrictions after departure.

How are records kept?

Centers must have written protocols for how long student records are kept, where they are kept, who keeps them, and how they will be destroyed. Standard 304.4 requires that ACPE Centers keep student records for at least ten years. These records shall not be open to anyone outside the CPE center except with the student's written request. After ten years, the center may destroy the student record except for a face sheet with identification information.

How can students review their own records?

Centers must also have written protocols for how students may review their records. FERPA requires students be able to review their record within 45 days of student's request (may be less). Record inspection cannot be denied based on the student's inability to come to the site or because of any outstanding financial obligations. In the latter case, a center can note on the copy sent, “not available for official use.” When a student record contains identifiers of another student, those must be redacted. The *Annual Notice* details records maintenance protocols and should include whether/how students may copy their records.

What responsibilities do students have for their files?

Students have responsibilities to maintain their own files for future use. The Center will not keep a permanent file or evaluation reports. Students will be informed at the time copies are given to them that it is their responsibility to keep copies for future use. When students request that copies of the supervisor's evaluation reports and/or their own evaluations be sent to their theological school, students have responsibility to request this of the ACPE Center and to give written consent for the Center to send this information.

What are the exceptions about student records?

Certain exceptions exist concerning the release of information within student records. These exist:

- to protect the health or safety of the student or others;
- for the purpose of accreditation or complaint review;
- as required for legal processes.

If Centers find themselves in need of considering these exceptions, the Center Supervisor(s) should consult with the ACPE Executive Director or Associate Director before releasing material in any of these circumstances.

What is required of and in an “Annual Notice”?

Each ACPE Center must publicize an *Annual Notice* of its protocols for proper handling of student records. The ACPE Center’s *Annual Notice* must be published annually prior to program start and appear in the student and center handbooks in addition to other sources at the center’s discretion. A Center may “publish” its annual notice in a variety of ways, as long as it is available to the student prior to the beginning of the unit. In other words, the student must have a copy of the annual notice in some form before the unit begins. The notice may be included in other material, as long as it is clearly identified. It could also be published electronically.

The information in **bold** in the list below *must* be included in the Annual Notice. The other information could be included as well.

- 1. This ACPE CPE center/program guarantees to its students the rights to inspect and review education records, to seek to amend them, to specified control over release of record information, and to file a complaint against the program for alleged violations of these Family Education and Privacy Act (FERPA) rights.**
- 2. What constitutes directory information at that center and how to opt out;**
- 3. The definition of student records;**
4. Details of the center’s record’s management protocols. Include a statement that **a student has the right to object to record content. If not negotiable, the written objection will be kept with and released with the record. Grades are exempted from this right.**
5. Define within the center who constitutes an “education official” and what constitutes “a legitimate education interest.” Within the center, these people may have access to student records without student consent;
- 6. Violations of these protocols may be reported to the Chair of the Accreditation Commission at: ACPE, 1549 Clairmont Road, Suite 103, Decatur, GA 30033.**

Please contact the chair of your regional accreditation committee if you have other questions regarding student records and the annual notice.