

ANNUAL NOTICE AND FERPA COMPLIANCE

(NOTE: This notice is also forwarded when an acceptance letter into an LSS CPE Program is sent out.)

It is the policy of the LSS CPE center to maintain educational records in such a way as to protect the CPE Chaplain's right to privacy. This policy adheres to the *Standards of ACPE, the Family Education Rights and Privacy Act (FERPA)*, and the policies of LSS in order to insure appropriate respect of confidentiality with regards to a CPE Chaplain's records.

CPE CHAPLAIN RECORDS: (In the FERPA policy that follows, CPE Chaplain is synonymous with student.)

Educational records are defined by FERPA as: *“Records that directly relate to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution.”*

FERPA gives students the following rights regarding educational records:

- The rights to access, inspect, and review educational records kept by the school within 45 days of the time the request is received.
- The right to request amendment of the student's educational records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. If mutual agreement about the amendment cannot be negotiated, a student may provide a written objection which is to be kept with and released with the record.
- The right to provide written consent before the program discloses personally identifiable information from the student's educational records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file complaints against the program for disclosing educational records in violation of FERPA.

These records are comprised of two types of information: **Directory Information**, which is student information not generally considered harmful or an invasion of privacy if released, and **Non-directory Information**, which would be considered harmful or an invasion of privacy if released.

This ACPE CPE center/program guarantees to its CPE Chaplains the rights to inspect and review education records, to seek to amend them, to retain specified control over release of record information, and to file a complaint against the program for alleged violations of the *Family Education Rights and Privacy Act (FERPA) rights.*

DIRECTORY INFORMATION:

Name, address, email address, telephone numbers, date of birth, ethnicity, gender, denomination, education, and photograph are considered to be **Directory Information**. This is also the information that often appears on an application face-sheet.

Annually publishing this annual notice and notification of rights under FERPA on its website, providing each CPE Chaplain with access to this “Annual Notice” in the CPE Chaplain Handbook, and reviewing it during their initial orientation, Lutheran Senior Services (LSS) Clinical Pastoral Education (CPE) Program reserves the right to disclose Directory Information to a third party without the written consent of the student **unless the student exercises the option to restrict the release of directory information**. This can be accomplished by submitting a formal request to limit disclosure at any time prior to entering or while participating in the program.

Current CPE Chaplains can initiate restrictions of directory information or record access at any time. Such a restriction will be honored during a CPE Chaplain’s unit and after the CPE Chaplain completes the program. However, former CPE Chaplains cannot initiate retroactive restrictions once his/her program(s) has been completed.

Unless a CPE Chaplain “opts out” (i.e., restricts), directory information about the student will be sent to the National ACPE office and the Regional (South-Central Region) Director’s office at the completion of each unit of CPE as part of the *Student Unit Report*. This information is recorded by the ACPE national office who can then issue a transcript to the CPE Chaplain and/or her or his designated third party upon the CPE Chaplain’s written request. (Transcripts are considered non-directory information under the definition below thus requiring specific written consent by the CPE Chaplain: the appropriate transcript request form can be found at the ACPE website: www.acpe.edu.)

NON-DIRECTORY INFORMATION:

Any records (paper, electronic, video, audio, biometric, etc.) which are directly related to the CPE Chaplain and from which the identity and history of the CPE Chaplain can be recognized and which are maintained by the program or by another institution on the program's behalf are considered **Non-directory Information**. Non-directory information is not released to anyone without the prior written consent of the CPE Chaplain.

Written consent **must** include the following elements:

1. Specification of the student records to be disclosed
2. Specification of the party or class of parties to whom the disclosure is to be made
3. Statement of the purpose of the disclosure
4. Date
5. Signature

Within the LSS CPE Center, non-directory information from a CPE Chaplain's record may be shared with appropriate *education officials* for *legitimate education interests* without a CPE Chaplain's consent. *Education officials* refer to the LSS Center's CPE Supervisor(s) and Administrator as well as other St. Louis Cluster CPE Supervisors. *Legitimate education interests* refer to consultation and admission review.

EXCEPTIONS:

The law provides for certain exceptions concerning the release of information to protect the health and safety of the student and for the purpose of accreditation review or a complaint or appeal involving that student or as otherwise permitted and required for legal processes. The ACPE Executive Director and the legal representation of Lutheran Senior Services shall be consulted before releasing material in a legal process.

Violations of these protocols may be reported to the Chair of the Accreditation Commission at: ACPE, One West Court Square, Suite 325, Decatur, GA 30030

