

BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 508
County of Cook and State of Illinois

RESOLUTION

**AMEND BOARD REPORT 22814 AND RESTATE "BUCKLEY AMENDMENT"
POLICY**

*Originally adopted by Resolution 5179 (07-05-77) and Appended to the
Board's Rules for Management and Government of the District as Appendix 22*

- WHEREAS,** Pursuant to the Family Educational Rights and Privacy Act of 1974 (PL 93-380) as amended, (PL 93-568) hereinafter referred to as the "Buckley Amendment," the Board adopted Resolution #5179 on July 5, 1977 to promulgate a policy and procedures with respect to family educational and privacy rights;
- WHEREAS,** Resolution #5179 is commonly known as "the Buckley Amendment Policy and Procedures" and is currently published as Appendix 22 to the Board's Rules for Management and Government of District;
- WHEREAS,** The Buckley Amendment Policy and Procedures in Resolution #5179 were amended and restated by the Board in Resolution #22814 on September 6, 2001;
- WHEREAS,** The Buckley Amendment Policy and Procedures as restated designate certain student information as "Directory Information" which the Board is free to disclose without student or parental consent;
- WHEREAS,** It is in the best interests of the District to amend and restate the Buckley Amendment Policy and Procedures in accordance with the attachment to redefine "Directory Information" consistent with the PL 93-568;
- WHEREAS,** The Buckley Amendment as restated designates students be provided an opportunity for a hearing, in accordance with the regulations of the Secretary, to challenge the content of such student's education records;
- WHEREAS,** It is in the best interests of the District to amend and restate the Buckley Amendment Policy and Procedures in accordance with the attachment to provide students the opportunity for a hearing to challenge the content of their education records consistent with the PL 93-568;
- WHEREAS,** The Buckley Amendment as restated permits disclosure without written student consent to authorized representatives of the Attorney General and local educational authorities for audit and evaluation of Federal and State supported programs or for the enforcement of or compliance with Federal legal requirements related to those programs;

WHEREAS, It is in the best interests of the District to amend and restate the Buckley Amendment Policy and Procedures in accordance with the attachment to provide disclosure without written student consent to authorized representatives of the Attorney General and local educational authorities for audit and evaluation of Federal and State supported programs or for the enforcement of or compliance with Federal legal requirements related to those programs consistent with the PL 93-568;

WHEREAS, The Buckley Amendment as restated permits disclosure without written student consent, in specific circumstances, to state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.

WHEREAS, It is in the best interests of the District to amend and restate the Buckley Amendment Policy and Procedures in accordance with the attachment to provide disclosure without written student consent, in specific circumstances, to state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.

WHEREAS, The Buckley Amendment as restated permits disclosure without written student consent, in specific circumstances, of final results of disciplinary proceedings held against a student for a crime of violence or a non-forcible sex offense including disclosure to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense.

WHEREAS, It is in the best interests of the District to amend and restate the Buckley Amendment Policy and Procedures in accordance with the attachment to provide disclosure without written student consent, in specific circumstances, of final results of disciplinary proceedings held against a student for a crime of violence or a non-forcible sex offense including disclosure to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex.

WHEREAS, The Buckley Amendment as restated permits disclosure without written student Consent, in specific circumstances, to a parent of a student under the age of 21 years old regarding the student's violation of any Federal, State or local law or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.

WHEREAS, It is in the best interests of the District to amend and restate the Buckley Amendment Policy and Procedures in accordance with the attachment to provide disclosure without written student consent, in specific circumstances, to a parent of a student under the age of 21 years old regarding the student's violation of any Federal, State or local law or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.

NOW, THEREFORE, the Board hereby:

1. Amends the Buckley Amendment Policy and Procedures to redefine "Directory Information" to include: The Student's Name, Address, Telephone listing, Electronic Mail Address, Photograph, Date and Place of Birth, Major Field of Study, Dates of Attendance, Grade Level, Enrollment Status (e.g., full-time or part-time), Participation in Officially Recognized Activities and Sports, Weight and Height of Members of Athletic Teams, Degrees, Honors and Awards Received, and the Most Recent Educational Agency or Institution Attended;
2. Amends the Buckley Amendment Policy and Procedures to provide students the opportunity for a hearing to challenge the contents of their educational records;
3. Amends the Buckley Amendment Policy and Procedures to provide disclosure without written student consent to authorized representatives of the Attorney General and local educational authorities for audit and evaluation of Federal and State supported programs or for the enforcement of or compliance with Federal legal requirements related to those programs;
4. Amends the Buckley Amendment Policy and Procedures to provide disclosure without written consent, in specific circumstances, to state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
5. Amends the Buckley Amendment Policy and Procedures to provide disclosure without written consent, in specific circumstances, of final results of disciplinary proceedings held against a student for a crime of violence or a non-forcible sex offense including disclosure to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense.
6. Amends the Buckley Amendment Policy and Procedures to provide disclosure without written consent, in specific circumstances, to a parent of a student under the age of 21 years old regarding the student's violation of any Federal, State or local law or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.

- 7. Adopts the Attachment to restate the Buckley Amendment Policy and Procedure in accordance with the foregoing amendment, which shall become Appendix 22 to the Board Rules for Management and Government of the District.

August 6, 2003



DISTRICT OFFICE REVIEWS & DATES SIGNED:

| | | | |
|----------------------|---------------|------------------|--------------|
| Marketing Date | Treasurer. | Legal 8/24/03 | Board Office |
| Admin. Svcs. Date | Academic Aff. | HR | Finance |

“BUCKLEY AMENDMENT” POLICY AND PROCEDURES

I. Statement of Purpose

The Board recognizes the importance of the Family Educational Rights and Privacy Act of 1974, as amended, hereinafter referred to as the Buckley Amendment, a Federal law which mandates (a) a written institutional policy be established, and (b) a statement of adopted procedures covering the privacy rights of students be implemented. It is the policy of the Board that in accordance with the Buckley Amendment, the City Colleges of Chicago will maintain the confidentiality of student education records.

II. Annual Notification to Students of Their Privacy Rights

Students of the City Colleges of Chicago shall be informed annually of their rights of privacy and access to education records. Such notification will be printed in the Fall semester schedule of classes for each of the City Colleges of Chicago as well as posted at the place of Registration and in the Office of Admissions and Registration.

III. Students' Access to Their Education Records

Students and former students shall be afforded the right to inspect and review their education records. The procedure, as adopted by the Board, by which students may acquire access to their records is available for review at each of the local colleges in the Offices of Admissions and Registration, Counseling and Financial Aid, and considered a part of this policy. Further, a list of types and locations of education records will be provided as part of the adopted procedure.

IV. Disclosure of Education Record Information

Disclosure of personally identifiable student information from education records shall be prohibited without prior written consent from the student, except when prior written consent is not required by the Act. Further, the following student information is designated by the Board as “Directory Information”: The Student’s Name, Address, Telephone listing, Electronic Mail Address, Photograph, Date and Place of Birth, Major Field of Study, Dates of Attendance, Grade Level, Enrollment Status (e.g., full-time or part-time), Participation in Officially Recognized Activities and Sports, Weight and Height of Members of Athletic Teams, Degrees, Honors and Awards Received, and the Most Recent Educational Agency or Institution Attended.

V. Challenge of the Contents of Education Records

Students shall be provided the opportunity to challenge the contents of their education records, by seeking amendment or correction through the procedure, including the opportunity for a hearing, established and adopted in accordance with the Buckley Amendment.

“BUCKLEY AMENDMENT” POLICY AND PROCEDURES

Students’ Access to Their Educational Records

1. Students and former students have the right to inspect and review their educational records.
2. Students and former students must put their request to inspect and review their educational records in writing. This request must be submitted to the chief administrator of the office in which the desired education records are located.
3. The requested educational records will be made available to the student within 45 calendar days of the student’s written request.
4. A staff member of the college office where the student’s records are located must be present at all times during the course of the inspection.
5. The student, during the inspection, has the right to request an explanation and interpretation of the records.
 - A. The student has the right to a copy of the educational records.

EXCEPTION: the college may refuse the copy but only if in doing so, the institution does not limit the student’s right to inspect and review that record. For example, a copy of the permanent record card could be refused if a “hold” for a non-payment of a financial payment exists. In such a case no directory information will be released, nor will transcripts be released to other educational institutions.
6. Limitations of students’ rights to inspect and review their educational records.
 - A. The college is not required to permit students to inspect and review the following:
 - (1) Financial information submitted by parents.
 - (2) Confidential letters and recommendations placed in their files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which collected.
 - (3) Confidential letters and recommendations associated with admission, employment or job placement, or honors to which students have waived right of inspection and review.

- (4) Education records containing information about more than one student; however, in such cases the institutions must permit access to that part of the record which pertains only to the inquiring student.

Challenge of the Contents

1. Students shall have the right to challenge the contents of their records which they consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights. The students must utilize the following procedure in order to properly raise their challenge:
 - A. The challenge must: (a) be made in writing and (b) include the title and date of the document being challenged and (c) include the reason(s) for such challenge and any documented evidence that the student desires to submit.
 - B. The written challenge must be submitted to the College Administrator in charge of the department from which the record being challenged is located, within ten (10) school days of the date of knowledge, but in no event later than two (2) years from when the record was placed in the student's record. He/she will make a determination regarding the matter within a reasonable period of time and notify the student in writing of the decision.
 - C. If the Administrator's resolution to the challenge is not satisfactory, the student will have the right of appeal to the College President within ten (10) school days of receipt of the Administrator's decision. The President shall investigate the matter and respond in writing with his/her decision within a reasonable period of time.
 - D. If the College President decides not to amend the record as requested, the College President shall inform the student of his or her right for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.
 - E. The hearing required must meet at a minimum, the following requirements:
 - (1) The hearing shall be held within a reasonable time after the College has received the request for the hearing from the student;
 - (2) The College shall give the student notice of the date, time, and place, reasonably in advance of the hearing;
 - (3) The hearing may be conducted by any individual, including an official of the College or District Office who does not have a direct interest in the outcome of the hearing;

- (4) The student shall be given a full and fair opportunity to present evidence relevant to the issues raised, namely that the content of the student's education records is inaccurate, misleading or in violation of the privacy rights of the student and the student may, at their own expense, be assisted or represented by one or more individuals of his own choice, including an attorney;
 - (5) The decision of the hearing officer shall be made in writing within a reasonable time after the hearing;
 - (6) The decision of the hearing officer must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
- E. If, as a result of the hearing, there is a determination that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the College shall: (1) amend the record accordingly, and (2) inform the student of the amendment in writing.
- F. If as a result of the hearing, there is a determination that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the College shall inform the student of the right to place a statement in the record commenting on the contested information in the record and stating why he or she disagrees with the decision. If such a statement is then placed in the education records of a student the College shall (1) maintain the statement with the contested part of the record for as long as the record is maintained, and (2) disclose the statement whenever it discloses the portion of the record to which the statement relates.

Records of Requests and Disclosures

1. The College Offices where the records are located will be required to maintain separated records of requests and disclosures of personally identifiable information. The records of requests, whether granted or not, shall include the name and address of the person(s) requesting the information and his/her legitimate interest in the information.
2. Records of requests and disclosures need not be maintained for the following:
 - A. those requests made by students for their own use.
 - B. those disclosures made in response to written requests from students.
 - C. those made by college officials: to wit; administrators, faculty or other college staff members deemed to have the right of access by the administrator in charge of the office from which the student records are being requested.

- D. those specified as Directory Information.
3. Documentation of requests and disclosures of student information must also be made by the College Office where the records are kept, and kept in the student's file. This document, once completed, is deemed part of the student's education record and should be incorporated as such; thereby, it must be retained as an official student record for the life of the document to which it refers.

Disclosure of Education Record Information

1. Disclosure with written student consent.
- A. The College must obtain written consent from students before releasing any personally identifiable information from their education record (with the exception as noted below). In order for the written consent to be valid, it must specify:
1. the records to be released,
 2. the purpose of the disclosure, and
 3. the identity of the party(s) to whom disclosure may be made.
- B. The most important requirement, however, is that the written consent be signed and dated by the student.
2. Disclosure without written student consent.
- A. Written student consent is not always necessary; the college must disclose student records when requested to the following:
- (1) students who request information from their own records (however, the request must be appropriately documented);
 - (2) authorized representatives of the following for audit and evaluation of Federal and State supported programs or for the enforcement of or compliance with Federal legal requirements related to those programs:
 - a. Comptroller General or Attorney General of the United States,
 - b. The Secretary of the United States Department of Health, Education and Welfare,
 - c. The United States Commissioner of Education, Director of National Institute of Education, or Assistant Secretary of Education,
 - d. State and local educational authorities.
- B. Student education records may be disclosed to the following:

- (1) personnel within the college determined by the college to have legitimate educational interest.
- (2) officials of other colleges in which the student seeks to enroll, on condition that the issuing institution makes a reasonable attempt to inform the student of the disclosure, or makes such transfer of information a stated institutional policy.
- (3) persons or organizations providing to the student financial aid or determining financial aid decisions concerning eligibility, amount, condition, and enforcement of terms of said aid.
- (4) organizations conducting studies to develop, validate and administer predictive tests, to administer student aid programs, or to improve instruction. Those organizations may not disclose personal identification of students, and information secured must be destroyed when no longer needed for their projects. Institutions are advised to obtain such assurance in writing.
- (5) accrediting organizations carrying out their accrediting functions.
- (6) parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152. (See attached Statute.)
- (7) persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution first make a reasonable attempt to notify the student. In such cases a letter shall be sent to the student at his/her last known address. A copy of this letter should be retained along with the subpoena in the student's file.
- (8) persons in compliance with a lawfully signed release form from the student.
- (9) persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of the student or other persons.
- (10) in specific circumstances, to state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
- (11) in specific circumstances, final results of disciplinary proceedings held against a student for a crime of violence or a non-forcible sex offense may be disclosed including disclosure to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense.
- (12) in specific circumstances, to a parent of a student under the age of 21 years old regarding the student's violation of any Federal, State or local law or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.

3. Directory Information

- A. "Directory Information" as defined herein may be released without written consent for students who are currently enrolled provided the following conditions are met prior to disclosure:
- (1) that the college inform students of the institutional definition of "Directory Information";
 - (2) that students be given the opportunity to refuse disclosure of any or all such "Directory Information." Documentation reflecting the student's refusal of disclosure shall be submitted prior to the first day of classes of each academic semester by each student wishing to prohibit the disclosure of "Directory Information."
- B. The college may release without written consent all "Directory Information" on any student not currently enrolled.
- C. The following shall be designated "Directory Information":

The Student's Name, Address, Telephone listing, Electronic Mail Address, Photograph, Date and Place of Birth, Major Field of Study, Dates of Attendance, Grade Level, Enrollment Status (e.g., full-time or part-time), Participation in Officially Recognized Activities and Sports, Weight and Height of Members of Athletic Teams, Degrees, Honors and Awards Received, and the Most Recent Educational Agency or Institution Attended.

Such information may be disclosed by the colleges for any purpose, at their discretion.

4. Parental Access to Information

- A. A student's parent may obtain personally identifiable information from a student's education records by:
- (1) obtaining the student's written consent, or
 - (2) having the parent establish the student's dependency as defined by Internal Revenue Code of 1954, Section 152. If the parent is claiming dependency, proof of such must be submitted at the time the request is made.

5. College Responsibility towards Released Information

- A. A College is responsible for informing parties to whom personally identifiable information is released that recipients are not permitted to disclose the information to others without written consent of the students. When a response is made pursuant to any request for student information, other than those requests by students, a document with the following statement should be attached to the disclosed information:

“The attached information has been forwarded to you at the request of the student with the understanding that it will not be released to other parties. The Family Educational Rights and Privacy Act of 1974 prohibits release of this information without the student’s written consent. Please return this material to us if you are unable to comply with this condition of release.”

6. Records to be found in the Office of Admissions and Records

1. Student application forms
2. Permanent record cards
3. Registration cards
4. Class revision cards
5. Transcripts from other educational institutions
6. Class lists
7. Mid-term grades
8. Final Grades
9. Test scores
10. Petitions for readmission
11. Attendance records
12. Correspondence from Social Security, Department of Immigration, etc.

7. Records to be found in the Financial Aid Office:

1. Applications for Financial Aid
2. Grants awarded
3. Supplemental documentation in support of financial aid applications

8. Definition of Terms

ACT: means the General Education Provisions Act, Title IV of Public Law 90-247, as amended.

ATTENDANCE: includes but is not limited to (a) attendance – in person or by correspondence study (program) and (b) the period during which a person is working under a work-study (cooperative) program.

DIRECTORY INFORMATION: the following shall be considered student directory information: The Student’s Name, Address, Telephone listing, Electronic Mail Address, Photograph, Date and Place of Birth, Major Field of Study, Dates of Attendance, Grade Level, Enrollment Status (e.g., full-time or part-time), Participation in Officially Recognized Activities and Sports, Weight and Height of Members of Athletic Teams, Degrees, Honors and Awards Received, and the Most Recent Educational Agency or Institution Attended.

DISCLOSURE: is defined as permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable

information contained therein, orally, in writing, by electronic means, or by any other means to any party.

EDUCATIONAL INSTITUTION: means any public or private agency or institution which receives funds from any Federal program under the administrative responsibility of the U.S. Commissioner of Education. The term refers to the institution as a whole, including all of its components (e.g., schools or departments in a university).

EDUCATION RECORDS: means those records which are (1) directly related to a student, and (2) maintained by the institution or by a party acting for the institution. The term "education records" does not include:

- a) records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except, a substitute, who performs on a temporary basis, (as defined in the institutional personnel policy) the duties of the individual who made the record.
- b) records of a law enforcement unit of the institution which are maintained apart from other institutional records, maintained solely for law enforcement purposes, and not disclosed to individuals other than law enforcement officers of the same jurisdiction so long as education records maintained by the institution are not disclosed to the personnel of the law enforcement unit.
- c) records relating to individuals, who are employed by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose. (Records of individuals in attendance at an institution who are employed as a result of their status as students are education records – e.g., work-study.)
- d) records relating to a student (as defined herein) which are: created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, to be used solely in connection with the provision of treatment to the student; and not disclosed to any one other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriated professional of the student's choice. (Appropriateness may be determined by the institution.) "Treatment" in this context does not include remedial educational activities or activities which are part of the program or instruction at the institution.

- e) records of an institution which contain only information relating to a person after that person is no longer a student at the institution, (e.g., information gathered on the accomplishments of alumni).
- f) records which contain information on the spiritual and psychological development of candidates for the priesthood, or rabbinite, or religious order that may be maintained, in addition to basic academic records, by seminaries, schools, or departments of divinity or theology which are part of colleges of universities. Access to such non-academic records, which may involve complex constitutional questions, was not treated in the final regulations and must be considered on a case by case basis.

ELIGIBLE STUDENT: refers to a student who has reached the age of 18 or is attending an institution of postsecondary education. Since these guidelines are specifically for postsecondary institutions, "student" as used in this document is presumed always to refer to an eligible student. In postsecondary institutions the right accorded to and the consent required of the parents shall only be accorded to and required of the eligible student.

FINANCIAL AID: means a payment of funds to an individual (or a payment in kind of tangible or intangible property to the individual) which is conditioned on the individual's attendance at an educational agency or institution.

INSTITUTION OF POSTSECONDARY EDUCATION: means an institution which provided education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided.

LEGITIMATE EDUCATIONAL INTEREST: means the demonstrated need to know by those officials of an institution who act in the student's educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student record information.

PARENT: includes a parent, a guardian, or an individual acting as a student's parent in the absence of a parent or a guardian.

PARTY: means an individual, agency, institution, or organization.

PERSONALLY IDENTIFIABLE: means data or information which includes (1) the name of the student, the student's parent, or other family members; (2) the address of the student or student's family; (3) a personal identifier (such as a social security number or student number); or (4) a list of personal characteristics, or other information which would make the student's identity easily traceable.

RECORD: means any information or data recorded in any medium, (e.g., hand writing, print, tapes, film, microfilm, microfiche).

SCHOOL OFFICIALS: are those members of an institution who act in the student's educational interest within the limitations of their need to know, which may include faculty administration, clerical, and professional employees and other persons who manage student record information. (Although the Act does not define "school officials", it states that institutions must specify the criteria for determining them. This is a recommended definition.)

STUDENT: includes any individual with respect to whom an educational institution maintains education records. The term does not include an individual who has not been in attendance at the institution. An individual who is or has been enrolled in one component unit of an institution, who applies for admission to a second unit, has no right to inspect the records accumulated by the second unit until enrolled therein.

PUBLIC NOTICE TO ALL CITY COLLEGES OF CHICAGO STUDENTS
DIRECTORY INFORMATION

City Colleges of Chicago hereby designates the following student information as “Directory Information.” Such information may be disclosed by the colleges for any purpose, at their discretion.

The Student’s Name, Address, Telephone listing, Electronic Mail Address, Photograph, Date and Place of Birth, Major Field of Study, Dates of Attendance, Grade Level, Enrollment Status (e.g., full-time or part-time), Participation in Officially Recognized Activities and Sports, Weight and Height of Members of Athletic Teams, Degrees, Honors and Awards Received, and the Most Recent Educational Agency or Institution Attended.

Currently enrolled students may withhold disclosure of any of the above “Directory Information” under the Family Educational Rights and Privacy Act of 1974. To withhold disclosure, written notification must be received in the Office of Admissions and Registration, at the college in which the student is enrolled, prior to the first day of classes of each academic semester. Forms requesting the withholding of “Directory Information” are available in the Office of Admissions and Registration at each of the City Colleges of Chicago.

Failure on the part of a student to specifically request the withholding of “Directory Information” indicates individual approval for disclosure.

REQUEST TO PREVENT DISCLOSURE OF DIRECTORY INFORMATION

TO: All Students

_____ (Semester/Year)

Under the provisions of the Family Educational Rights and Privacy Act of 1974, you have the right to withhold the disclosure of the "Directory Information" listed below.

Please mark the appropriate box and affix your signature below to indicate your disapproval for the college of disclose "Directory Information":

Do not disclose Directory Information which I understand to include:

The Student's Name, Address, Telephone listing, Electronic Mail Address, Photograph, Date and Place of Birth, Major Field of Study, Dates of Attendance, Grade Level, Enrollment Status (e.g., full-time or part-time), Participation in Officially Recognized Activities and Sports, Weight and Height of Members of Athletic Teams, Degrees, Honors and Awards Received, and the Most Recent Educational Agency or Institution Attended.

Please consider very carefully the consequences of any decision by you to withhold any of the "Directory Information." Should you decide to inform the college not to release this "Directory Information," any future requests for such information from non-college persons or organizations will be refused.

The college will honor your request to withhold the information listed above but cannot assume responsibility to contact you for subsequent permission to release it. Regardless to the effect upon you, the college assumes no liability for honoring your instructions that such information be withheld.

Student's Signature

Student Identification Number
(Social Security Number)

Date

If this form is not received from the student in the Office of Admissions and Registration prior to the first day of classes of each academic semester, the above information will be disclosed for the remainder of the current academic semester. A new nondisclosure form must be filled each academic semester.

UNITED STATES CODE ANNOTATED
TITLE 26. INTERNAL REVENUE CODE
SUBTITLE A--INCOME TAXES
CHAPTER 1--NORMAL TAXES AND SURTAXES
SUBCHAPTER B--COMPUTATION OF TAXABLE INCOME
PART V--DEDUCTIONS FOR PERSONAL EXEMPTIONS

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Current through P.L. 108-59, (excluding P.L. 108-36)
approved 07-14-03

§ 152. Dependent defined

(a) General definition.--For purposes of this subtitle, the term "dependent" means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under subsection (c) or (e) as received from the taxpayer):

- (1) A son or daughter of the taxpayer, or a descendant of either,
- (2) A stepson or stepdaughter of the taxpayer,
- (3) A brother, sister, stepbrother, or stepsister of the taxpayer,
- (4) The father or mother of the taxpayer, or an ancestor of either,
- (5) A stepfather or stepmother of the taxpayer,
- (6) A son or daughter of a brother or sister of the taxpayer,
- (7) A brother or sister of the father or mother of the taxpayer,
- (8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer, or
- (9) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

(b) Rules relating to general definition.--For purposes of this section--

- (1) The terms "brother" and "sister" include a brother or sister by the halfblood.
- (2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child satisfies the requirements of subsection (a)(9) with respect to such individual), shall be treated as a child of such individual by blood.
- (3) The term "dependent" does not include any individual who is not a citizen or national of the United States unless such individual is a resident of the United States or of a country contiguous to the United States. The preceding sentence shall not exclude from the definition of "dependent" any child of the taxpayer legally adopted by him, if, for the taxable year of the taxpayer, the child has as his principal place of abode the home of the taxpayer and is a member

of the taxpayer's household, and if the taxpayer is a citizen or national of the United States.

(4) A payment to a wife which is includible in the gross income of the wife under section 71 or 682 shall not be treated as a payment by her husband for the support of any dependent.

(5) An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

(c) **Multiple support agreements.**--For purposes of subsection (a), over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if--

(1) no one person contributed over half of such support;

(2) over half of such support was received from persons each of whom, but for the fact that he did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

(3) the taxpayer contributed over 10 percent of such support; and

(4) each person described in paragraph (2) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that he will not claim such individual as a dependent for any taxable year beginning in such calendar year.

(d) **Special support test in case of students.**--For purposes of subsection (a), in the case of any individual who is--

(1) a son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this section), and

(2) a student (within the meaning of section 151(c)(4)),

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than half of his support from the taxpayer.

(e) **Support test in case of child of divorced parents, etc.**--

(1) **Custodial parent gets exemption.**--Except as otherwise provided in this subsection, if--

(A) a child (as defined in section 151(c)(3)) receives over half of his support during the calendar year from his parents--

(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

(ii) who are separated under a written separation agreement, or

(iii) who live apart at all times during the last 6 months of the calendar year, and

(B) such child is in the custody of one or both of his parents for more than one-half of the calendar year,

such child shall be treated, for purposes of subsection (a), as receiving over half of his support during the calendar year from the parent having custody for a greater portion of the calendar year (hereinafter in this subsection referred to as the "custodial parent").

(2) **Exception where custodial parent releases claim to exemption for the year.**--A child of parents described in paragraph (1) shall be treated as having received over half of his support during a calendar year from the noncustodial parent if--

(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations

prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

(B) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

For purposes of this subsection, the term "noncustodial parent" means the parent who is not the custodial parent.

(3) Exception for multiple-support agreement.--This subsection shall not apply in any case where over half of the support of the child is treated as having been received from a taxpayer under the provisions of subsection (c).

(4) Exception for certain pre-1985 instruments.--

(A) In general.--A child of parents described in paragraph (1) shall be treated as having received over half his support during a calendar year from the noncustodial parent if--

(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

(ii) the noncustodial parent provides at least \$600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

(B) Qualified pre-1985 instrument.--For purposes of this paragraph, the term "qualified pre-1985 instrument" means any decree of divorce or separate maintenance or written agreement--

(i) which is executed before January 1, 1985,

(ii) which on such date contains the provision described in subparagraph (A)(i), and

(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

(5) Special rule for support received from new spouse of parent.--For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

(6) Cross reference.--

For provision treating child as dependent of both parents for purposes of medical expense deduction, see section 213(d)(5).

CREDIT(S)

(Aug. 16, 1954, c. 736, 68A Stat. 43; Aug. 9, 1955, c. 693, § 2, 69 Stat. 626; Sept. 2, 1958, Pub.L. 85-866, Title I, § 4(a)-(c), 72 Stat. 1607; Sept. 23, 1959, Pub.L. 86-376, § 1(a), 73 Stat. 699; Aug. 31, 1967, Pub.L. 90-78, § 1, 81 Stat. 191; Dec. 30, 1969, Pub.L. 91-172, Title IX, § 912(a), 83 Stat. 722; Oct. 27, 1972, Pub.L. 92-580, § 1(a), 86 Stat. 1276; Oct. 4, 1976, Pub.L. 94-455, Title XIX, §§ 1901(a)(24), (b)(7)(B), (8)(A), 1906(b)(13)(A), Title XXI, § 2139(a), 90 Stat. 1767, 1794, 1834, 1932; July 18, 1984, Pub.L. 98-369, Div. A, Title IV, §§ 423(a), 482(b)(2), 98 Stat. 799, 848; Oct. 22, 1986, Pub.L. 99-514, Title I, § 104(b)(1)(B), (3), Title XIII, § 1301(j)(8), 100 Stat. 2104, 2105, 2658.)

<General Materials (GM) - References, Annotations, or Tables>