

Taylor College
Family Educational Rights and Privacy Act

POLICY NO: B002/02-16 EFFECTIVE DATE: January 1, 2006
SUBJECT: Family Educational Rights and Privacy Act

The following subjects have to be reviewed and mastered:

Policy

The Family Educational Rights and Privacy Act (Public Law 93-380), effective November 19, 1974 (as amended by Public Law 93-568, Buckley Amendment) is intended to ensure students the right to inspect, review, and control access to student educational records maintained by an educational institution.

Definition

1. "Eligible Student": a student who has reached 18 years of age or is attending an institution of postsecondary education
2. "Parent": 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.
3. "Institution of Postsecondary Education": means an institution that provides 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 as determined under State law.
4. "Student": refers to any person currently enrolled at the institution or refers to any person who has previously been enrolled at the institution.

What are Education Records

Under FERPA, education records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution. Education records can exist in any medium, including: typed, computer generated, videotape, audiotape, film, microfilm, and email, among others.

Education records DO NOT INCLUDE such things as:

- Sole possession records, i.e., records/notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person except a temporary substitute for the maker of the record (this might include notes an instructor makes while providing career/professional guidance to a student)
- Medical treatment records that include but are not limited to records maintained by physicians, psychiatrists, and psychologists
- Employment records when employment is not contingent on being a student provided the record is used only in relation to the individual's employment.
- Records created and maintained by a law enforcement unit used only for that purpose, are revealed only to law enforcement agencies of the same jurisdiction, and the enforcement unit does not have access to education records
- Post-attendance records, i.e., information about a person that was obtained when the person was no longer a student and does not relate to the person as a student.

Disclosure to Parents

When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded to parents under FERPA transfer to the student. However, FERPA also provides ways in which schools may share information with parents without the student's consent. For example:

- Schools may disclose education records to parents if the student is a dependent for income tax purposes.
- Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.
- Schools may inform parents if the student who is under age 21 has violated any law or its policy concerning the use or possession of alcohol or a controlled substance.

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- A school official may generally share with a parent information that is based on the official's personal knowledge or observation of the student.

What is Directory Information

FERPA has specifically identified certain information called directory information that may be disclosed without student consent. Students have the right to prevent disclosure of Directory Information; these requests must be provided in writing by completing the *Non-Disclosure of Directory Information* form.

The following information can be released unless the student has submitted a request for non-disclosure:

- Name
- Telephone Number
- Email Address
- Student Photo
- Dates of Attendance
- Degrees Earned (with dates)
- Academic Honors and Awards
- Major Field of Study
- Expected Date of Graduation
- Previous Schools Attended
- Enrollment Status (class level)
- Currently Enrolled (yes or no)

Access to Student Education Records

According to FERPA, personally identifiable information in an education record may not be released without prior written consent from the student. Some examples of information that may not be released without prior written consent of the student are:

- Birth date
- Religious affiliation
- Citizenship
- Disciplinary status
- Ethnicity
- Gender
- Grade point average (GPA)
- Marital status
- Social Security Number / Student I.D.
- Grades / Exams scores
- Progress Report / Report Cards

The institution will not release personally identifiable information from a student's education record without the student's prior written consent. Even parents are not permitted access to their child's education records unless the student has provided written authorization permitting the parents' access.

Release of FERPA by Student

Students can choose to have their information shared with an individual or groups of individuals (including parents) by completing the *Family Educational Rights and Privacy Act Student Release* form. This form must be completed by the student and will allow the appropriate individual(s) to collect private information about the student that would otherwise be prohibited because of FERPA law. This form will be maintained in with the student's records.

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Student's Right to Review and Correct His / Her Records

Current and former students have the right to inspect and review their education records within 45 days from making such a request; requests must be made in writing. The student's file will be copied prior to a student reviewing their educational records; the student will not be allowed to look at the original forms, this is done to ensure authenticity of the records. The right of inspection and review includes: the right to access, with an explanation and interpretation of the record, the right to a copy of the education record when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. The institution may refuse to provide a copy of a student's education record provided such refusal does not limit access.

Limitations exist on students' rights to inspect and review their education records. For example, the institution is not required to permit students to inspect and review the following:

- Financial information submitted by parents
- Education records containing information about more than one student (however, the institution must permit access to that part of the records which pertains only to the inquiring student)
- Confidential letters and recommendations placed in the student's file before 01/01/1975
- Confidential letters and statements of recommendation, placed in the records after 01/01/1975, to which the student has waived his or her right to review and that are related to the student's admission, application for employment or job placement, or receipt of honors. Upon a request from a student, he/she will be notified of the names of persons making the recommendations and that such recommendations cannot be used other than for the purpose for which they were intended.

Students may request that their education records be amended if they believe such information is inaccurate, misleading, or in violation of privacy rights. Students must request in writing that the office that maintains those records amend them. Students should identify the part of the records they want corrected and specify why they believe it is inaccurate, misleading or in violation of privacy rights.

If a student requests an amendment of their education records a hearing will be conducted. The hearing will be held within a reasonable amount of time after the request for the hearing has been received. The hearing officer will notify the student, reasonably in advance, of the date, place, and time of the hearing.

Students will be afforded a full and fair opportunity to present evidence relevant to the issue raised. One or more other persons may accompany the student. The hearing officer/board will make its decision in writing based upon the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decisions.

If the hearing officer/board supports the complaint, the education record will be amended accordingly and the student will be informed. If the hearing/board decides not to amend the education record, students have the right to place in the education record a statement commenting on the challenged information and/or stating the reasons for disagreement with the decision. This statement will be maintained as part of the education record as long as the contested portion of the record is maintained, and whenever a copy of the education record is sent to any party, the student's statement will be included.

Provisions of Copies

The institution reserves the right to deny copies of records, including transcripts, not required to be made available by FERPA in any of the following situations:

- The student lives within commuting distance of the institution.
- The student has an unpaid financial obligation to the institution.
- The education record requested is an exam or set of standardized test questions.

Fees for Copies of Records

The fee for copies is \$.20 per single sided page.