



## **Family Educational Rights and Privacy Act (FERPA) Policy**

FERPA is a Federal law that is administered by the Family Policy Compliance Office (Office) in the U.S. Department of Education (Department). 20 U.S.C. § 1232g; 34 CFR Part 99. FERPA applies to all educational agencies and institutions that receive funding under any program administered by the Department. Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student.

### **NOTIFICATION OF RIGHTS UNDER FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. These rights include:

The right to inspect and review the student's education records within 45 days after the day the institution receives a request for access. A student should submit to the Campus Director a written request that identifies the record(s) the student wishes to inspect. The Campus Director will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the institution to amend a record write the Campus Director and clearly identify the part of the record the student wants changed and specify why it should be changed. If Valley College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

The right to provide written consent before the institution discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official includes a person employed by the institution in an administrative, supervisory, academic, or support staff position. The college official also may include a contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the institution.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the institution to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

## **RELEASE OF EDUCATIONAL RECORDS WITHOUT THE STUDENT'S CONSENT**

There are a number of exceptions to FERPA's prohibition against nonconsensual disclosure of personally identifiable information from education records. Under these exceptions, the institution is *permitted* to disclose personally identifiable information from education records without consent, though it is not *required* to do so. Eligible students have a right to inspect and review the record of disclosures. The following is general information regarding some of these exceptions.

1. School officials who have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions. Persons with a legitimate educational interest are typically employed by the school in an administrative, counseling, supervisory, academic, or student services position or a support person to these positions. It would also include employed by or under contract to the school to perform such tasks.
2. Upon request, the school also discloses education records without the consent to officials of another school in which a student seeks or intends to enroll, or state or local educational authorities.
3. To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education.
4. In connection with an audit or evaluation of Federal- or State supported education. programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs.
5. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
6. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of an eligible student if the student is a dependent for IRS tax purposes.
9. To comply with a judicial order or lawfully issued subpoena.
10. To appropriate officials in connection with a health or safety emergency.
11. Information the school has designated as "directory information."
12. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
13. To the general public, the final results of a disciplinary proceeding if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her.
14. To parents of a student regarding the student's violation of any Federal, State, or local law, or if any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.

## **DIRECTORY INFORMATION NOTICE**

During normal operations, staff, faculty, students, and graduates, their educational programs, professional and academic accomplishments, career successes, etc., may be publicly recognized or publicized in news media, such as through newspaper articles and pictures, in brochures, television and radio advertisements, or in other types of advertising and publicity, etc. The Institution reserves the right (and by enrolling the student grants permission) to utilize and publicize individual or group photographs and the educational, employment, and personal achievements and background of such individuals for the purposes described above and as described in the student's enrollment agreement. This information is known as Directory Information.

Valley College may disclose appropriately designated "directory information" without written consent, unless the student has advised the institution to the contrary by following the procedures outlined below.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent.

If the student does not want the institution to disclose any or all of the types of information designated as directory information from their education records without their prior written consent, they must notify the Campus Director in writing by the start date of their program to prevent any further release from that point forward.

Valley College has designated the following information as directory information but doesn't necessarily mean it will be disclosed:

- 1. Student's name**
- 2. Address**
- 3. Telephone listing**
- 4. Electronic mail address**
- 5. Photograph**
- 6. Program of study**
- 7. Dates of attendance**
- 8. Grade level**
- 9. Participation in officially recognized activities**
- 10. Degrees, honors, and awards received**
- 11. The most recent educational institution attended**