



The Family Educational Rights and Privacy Act Guidance for Eligible Students

The following guidance provides eligible students with general information about the Family Educational Rights and Privacy Act (FERPA). This document is a compilation and update of various letters and guidance documents previously issued that respond to a variety of questions about FERPA. While this guidance reflects our best and most current interpretation of applicable FERPA requirements, it does not supersede the statute or regulations. We will attempt to update this document from time to time in response to questions and concerns.

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 (e.g., schools) that receive funding under any program administered by the Department. Parochial and private schools at the elementary and secondary levels generally do not receive such funding and are, therefore, not subject to FERPA. Private postsecondary schools, however, generally do receive such funding and are subject to FERPA.

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. The eligible student has the right to have access to his or her education records, the right to seek to have the records amended, the right to have control over the disclosure of personally identifiable information from the records (except in certain circumstances specified in the FERPA regulations, some of which are discussed below), and the right to file a complaint with the Department. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution.

FERPA generally prohibits the improper disclosure of personally identifiable information derived from education records. Thus, information that an official obtained through personal knowledge or observation, or has heard orally from others, is not protected under FERPA. This remains applicable even if education records exist which contain that information, unless the official had an official role in making a determination that generated a protected education record.

Under FERPA, a school is not generally required to maintain particular education records or education records that contain specific information. Rather, a school is required to provide certain privacy protections for those education records that it does maintain. Also, unless there is an outstanding request by an eligible student to inspect and review education records, FERPA permits the school to destroy such records without notice to the student.

Access to Education Records

Under FERPA, a school must provide an eligible student with an opportunity to inspect and review his or her education records within 45 days following its receipt of a request. A school is required to provide an eligible student with copies of education records, or make other arrangements, if a failure to do so would effectively prevent the student from obtaining access to the records. A case in point would be a situation in which the student does not live within commuting distance of the school.

A school is not generally required by FERPA to provide an eligible student with access to academic calendars, course syllabi, or general notices such as announcements of specific events or extra-curricular activities. That type of information is not generally directly related to an individual student and, therefore, does not meet the definition of an education record.

Under FERPA, a school is not required to provide information that is not maintained or to create education records in response to an eligible student's request. Accordingly, a school is not required to provide an eligible student with updates on his or her progress in a course (including grade reports) or in school unless such information already exists in the form of an education record.

Amendment of Education Records

Under FERPA, an eligible student has the right to request that inaccurate or misleading information in his or her education records be amended. While a school is not required to amend education records in accordance with an eligible student's request, the school is required to consider the request. If the school decides not to amend a record in accordance with an eligible student's request, the school must inform the student of his or her right to a hearing on the matter. If, as a result of the hearing, the school still decides not to amend the record, the eligible student has the right to insert a statement in the record setting forth his or her views. That statement must remain with the contested part of the eligible student's record for as long as the record is maintained.

However, while the FERPA amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about an eligible student. FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Thus, while FERPA affords eligible students the right to seek to amend education records which contain inaccurate information, this right cannot be used to challenge a grade or an individual's opinion, or a substantive decision made by a school about a student. Additionally, if FERPA's amendment procedures are not applicable to an eligible student's request for amendment of education records, the school is not required under FERPA to hold a hearing on the matter.

Disclosure of Education Records

Under FERPA, a school may not generally disclose personally identifiable information from an eligible student's education records to a third party unless the eligible student has provided written consent. However, there are a number of exceptions to FERPA's prohibition against non-consensual disclosure of personally identifiable information from education records. Under these exceptions, schools are permitted to disclose personally identifiable information from education records without consent, though they are not required to do so. Following is general information regarding some of these exceptions.

One of the exceptions to the prior written consent requirement in FERPA allows "school officials," including teachers, within a school to obtain access to personally identifiable information contained in education records provided the school has determined that they have "legitimate educational interest" in the information. Although the term "school official" is not defined in the statute or regulations, this Office generally interprets the term to include parties such as: professors; instructors; administrators; health staff; counselors; attorneys; clerical staff; trustees; members of committees and disciplinary boards; and a contractor, volunteer or other party to whom the school has outsourced institutional services or functions.

A school must inform eligible students of how it defines the terms "school official" and "legitimate educational interest" in its annual notification of FERPA rights. A school official generally has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Additional information about the annual notification of rights is found below in this guidance document.

Another exception permits a school to disclose personally identifiable information from an eligible student's education records, without consent, to another school in which the student seeks or intends to enroll. The sending school may make the disclosure if it has included in its annual notification of rights a statement that it forwards education records in such circumstances. Otherwise, the sending school must make a reasonable attempt to notify the student in advance of making the disclosure, unless the student has initiated the disclosure. The school must also provide an eligible student with a copy of the records that were released if requested by the student.

FERPA also permits a school to disclose personally identifiable information from education records without consent when the disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to: determine the eligibility for the aid; determine the amount of the aid; determine the conditions for the aid; and/or enforce the terms and conditions of the aid. With respect to this exception, the term "financial aid" means payment of funds provided to an individual (or payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at a school.

Another exception permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a "dependent student" as that term is defined in Section 152 of the Internal Revenue Code. Generally, if either parent has claimed the student as a dependent on the parent's most recent year's income tax statement, the school may non-consensually disclose the eligible student's education records to both parents under this exception.

Postsecondary institutions may also disclose personally identifiable information from education records, without consent, to appropriate parties, including parents of an eligible student, in connection with a health or safety emergency. Under this provision, colleges and universities may notify parents when there is a health or safety emergency involving their son or daughter, even if the parents do not claim the student as a dependent.

FERPA also permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a student at a postsecondary institution 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. The school may non-consensually disclose information under this exception if the school determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under 21 years of age at the time of the disclosure to the parent.

Another exception permits a school to non-consensually disclose personally identifiable information from a student's education records when such information has been appropriately designated as directory information. "Directory information" is defined as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information could include information such as the student's name, address, e-mail address, telephone listing, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, grade level or year (such as freshman or junior), and enrollment status (undergraduate or graduate; full-time or part-time).

A school may disclose directory information without consent if it has given public notice of the types of information it has designated as directory information, the eligible student's right to restrict the disclosure of such information, and the period of time within which an eligible student has to notify the school that he or she does not want any or all of those types of information designated as directory information. Also, FERPA does not require a school to notify eligible students individually of the types of information it has designated as directory information. Rather, the school may provide this notice by any means likely to inform eligible students of the types of information it has designated as directory information.

There are several other exceptions to FERPA's prohibition against non-consensual disclosure of personally identifiable information from education records, some of which are briefly mentioned below. Under certain conditions (specified in the FERPA regulations), a school may non-consensually disclose personally identifiable information from education records:

- to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and State and local educational authorities for 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;
- to organizations conducting studies for or on behalf of the school making the disclosure for the

purposes of administering predictive tests, administering student aid programs, or improving instruction;

- to comply with a judicial order or a lawfully issued subpoena;
- to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime; and
- to any third party the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense if the student who is the alleged perpetrator is found to have violated the school's rules or policies. The disclosure of the final results only includes: the name of the alleged perpetrator, the violation committed, and any sanction imposed against the alleged perpetrator. The disclosure must not include the name of any other student, including a victim or witness, without the written consent of that other student.

As stated above, conditions specified in the FERPA regulations at 34 CFR § 99. 31 have to be met before a school may non-consensually disclose personally identifiable information from education records in connection with any of the exceptions mentioned above.

Annual Notification of Rights

Under FERPA, a school must annually notify eligible students in attendance of their rights under FERPA. The annual notification must include information regarding an eligible student's right to inspect and review his or her education records, the right to seek to amend the records, the right to consent to disclosure of personally identifiable information from the records (except in certain circumstances), and the right to file a complaint with the Office regarding an alleged failure by a school to comply with FERPA. It must also inform eligible students of the school's definitions of the terms "school official" and "legitimate educational interest."

FERPA does not require a school to notify eligible students individually of their rights under FERPA. Rather, the school may provide the notice by any means likely to inform eligible students of their rights. Thus, the annual notification may be published by various means, including any of the following: in a schedule of classes; in a student handbook; in a calendar of school events; on the school's website (though this should not be the exclusive means of notification); in the student newspaper; and/or posted in a central location at the school or various locations throughout the school. Additionally, some schools include their directory information notice as part of the annual notice of rights under FERPA.

Complaints of Alleged Failures to Comply with FERPA

FERPA vests the rights it affords in the eligible student. The statute does not provide for these rights to be vested in a third party who has not suffered an alleged violation of their rights under FERPA. Thus, we require that a student have "standing," i.e., have suffered an alleged violation of his or her rights under FERPA, in order to file a complaint.

The Office may investigate those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. A timely complaint is defined as one that is submitted to the Office within 180 days of the date that the complainant knew or reasonably should have known of the alleged violation of FERPA. Complaints that do not meet FERPA's threshold requirement for timeliness are not investigated.

If we receive a timely complaint that contains a specific allegation of fact giving reasonable cause to believe that a school has violated FERPA, we may initiate an administrative investigation into the allegation in accordance with procedures outlined in the FERPA regulations. If a determination is made that a school violated FERPA, the school and the complainant are so advised, and the school is informed of the steps it must take to come into compliance with the law. The investigation is closed when voluntary compliance is achieved.

Please note that the eligible student should state his or her allegations as clearly and specifically as possible. To aid us in efficiently processing allegations, we ask that an eligible student only include supporting

documentation that is relevant to the allegations provided. Otherwise, we may return the documentation and request clarification. This Office does not have the resources to review voluminous documents and materials to determine whether an allegation of a violation of FERPA is included. An eligible student may obtain a complaint form by calling (202) 260-3887. For administrative and privacy reasons, we do not discuss individual allegations and cases via email. Please mail completed complaint forms to the Office (address below) for review and any appropriate action.

Complaint Regarding Access

If an eligible student believes that a school has failed to comply with his or her request for access to education records, the student may complete a FERPA complaint form and should include the following specific information: the date of the request for access to the education records; the name of the school official to whom the request was made (a dated copy of any written request to the school should be provided, if possible); the response of the school official, if any; and the specific nature of the information requested.

Complaint Regarding Amendment

If an eligible student believes that a school has failed to comply with his or her request for amendment of inaccurate information in education records or failed to offer the student an opportunity for a hearing on the matter, the student may complete a FERPA complaint form and should include the following specific information: the date of the request for amendment of the education records; the name of the school official to whom the request was made (a dated copy of any written request to the school should be provided, if possible); the response of the school official, if any; the specific nature of the inaccurate information for which amendment was requested; and evidence provided to the school to support the assertion that such information is inaccurate.

Complaint Regarding Disclosure

If an eligible student believes that a school has improperly disclosed personally identifiable information from his or her education records to a third party, the student may complete a FERPA complaint form and should include the following specific information: the date or approximate date the alleged disclosure occurred or the date the student learned of the disclosure; the name of the school official who made the disclosure, if that is known; the third party to whom the disclosure was made; and the specific nature of the education records disclosed.

This guidance document is designed to provide eligible students with some general information regarding FERPA and their rights, and to address some of the basic questions most frequently asked by eligible students. You can review the FERPA regulations, frequently asked questions, significant opinions of the Office, and other information regarding FERPA at our Website as follows:

www.ed.gov/policy/gen/guid/fpco/index.html

If, after reading this guidance document, you have questions regarding FERPA which are not addressed here, you may write to the Office at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

Student Records Policies and Procedures (FERPA)

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1. Definitions

For the purposes of this policy, Gather 4 Him Christian College (“College”) has used the following definitions of terms.

Student – any person who attends or has attended G4HCC.

Education records – any record (in handwriting, print, tapes, film or other medium), maintained by G4HCC or an agent of the College which is directly related to a student, **except:**

- A personal record kept by an employee, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker’s temporary substitute.
- An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual’s employment.
- Alumni records which contain information about a student after he or she is no longer in attendance at G4HCC and which do not relate to the person’s performance or activities while attending G4HCC.

FERPA – Family Educational Rights and Privacy Act of 1974 (20 USCA 1232g).

2. Annual Notification

Students will be notified of their FERPA rights annually by one of the following methods: publication in the student handbook; publication in the student bulletin; or by statement in the student registration packets.

3. Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the appropriate record custodian.

Students should submit to the record custodian or an appropriate College staff person a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The record custodian or an appropriate College staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within a reasonable period of time under the circumstances but within 30 days or less from the receipt of the request. Upon written request, the record custodian will attempt to provide currently enrolled students with copies of their law school transcripts within two days after receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

4. Right of G4HCC to Refuse Access

G4HCC reserves the right to refuse to permit a student to inspect the following records:

- The financial statement of the student's parents.
- Letters and statements of recommendation for which the student has waived his or her right of access.
- Records connected with an application to attend the college if that application was denied.
- Those records which are excluded from the FERPA definition of education records.

5. Refusal to Provide Copies

G4HCC reserves the right to deny transcripts or copies of records not required to be made available by law in any of the following situations:

- The student has an unpaid financial obligation to G4HCC.
- There is an unresolved disciplinary action against the student and the records are not relevant to the disciplinary action.
- The student requests a partial or incomplete transcript of their completed course work.

6. Fees for Copies of Records

The fee for copies will be \$1.00 for ten pages or less and \$0.10 additional per page for each page more than ten pages, plus postage, if applicable.

7. Types, Locations and Custodians of Education Records

The following is a list of the types of records that G4HCC maintains, their locations and their custodians.

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
Admissions Records	Admissions Office	Registrar Admissions & Financial Aid
Cumulative Academic Records (current students and students within 5 years after graduation or withdrawal)	Registration Office	Registrar
Cumulative Academic Records (former students more than 5 years after graduation or withdrawal)	Registration Storage Room	Registrar
Financial Aid and Scholarship	Admissions Office (113)	Financial Aid Officer
Placement Records	Business Office	Business Officer

Disciplinary Records

Dean's Office

Dean

Occasional Records (student education records not included in the types listed above such as minutes of College Council meetings, copies of correspondence in offices not listed, etc.)

The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection and review

The College staff person who maintains such occasional systems records

8. Disclosure of Education Records

G4HCC will disclose information from a student's education records only with the written consent of the student, **except:**

a. To school officials who have a legitimate educational interest in the information in the records.

(1) A school official is:

- A person employed by the College in an administrative, supervisory, academic or research, or support staff position, but not including any student currently enrolled in G4HCC; or
- A person employed by or under contract to G4HCC to perform a special task, such as the attorney or auditor, but not including any student currently enrolled in G4HCC.

(2) A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement; or
- Performing a task related to providing academic advice to the student, if (a) the school official has been appointed the student's advisor; (b) the student has sought academic advice from the school official; (c) the student has applied to that school official for a research or teaching assistantship; or (d) the student has asked that school official to serve as a reference; or
- Performing a task related to the discipline of a student; or
- Providing a service or benefit requested by the student relating to counseling, job placement or financial aid, or providing a service or benefit to the student or the student's family under emergency circumstances such as safety, health care or counseling.
 - To officials of another school, upon request, in which a student seeks or intends to enroll.
 - To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
 - In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
 - If required by a state law requiring disclosure that was adopted before November 19, 1974.
 - To organizations conducting certain studies for or on behalf of the University.
 - To accrediting organizations to carry out their functions.

- To parents of an eligible student who claim the student as a dependent for income tax purposes.
- To comply with a judicial order or a lawfully issued subpoena.
- To appropriate parties in a health or safety emergency.
- To an institution or a person to whom a student has requested that a school official write a letter of reference, unless the student expressly directs the school official not to disclose information.

9. Redisclosure of Education Records

A person receiving information in accordance with the provisions of this policy may redisclose that information to another party without obtaining prior consent as long as the redisclosure also meets the requirements of 6-1-8, e.g. the redisclosure is made to another school official who has a legitimate educational interest in the information or the redisclosure is to an institution or a person to whom a student has requested that a school official write a letter of reference.

10. Record of Requests for Disclosure

G4HCC will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record requests may be reviewed by the eligible student or parent, if the parent claims the student as a dependent for income tax purposes.

11. Directory Information

G4HCC designates the following items as Directory Information:

- Student's name
- Address
- Telephone number
- Date and place of birth
- Major field of study
- Participation in officially recognized activities or sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees, academic and public service honors, and awards received
- Educational agencies or institutions attended and major fields of study
- Current semester class schedule
- Photograph

G4HCC may disclose any of those items without prior written consent, unless notified in writing to the contrary by August 15th of each academic year.

12. Correction of Education Records

Students have the right to ask to have records corrected that they believe are inaccurate, misleading or in violation of their privacy or other rights. Following are the procedures for the correction of records:

- a. A student must ask the Director of Student Affairs to amend a record, identifying in writing the part of the record they want changed and specifying why they believe it is inaccurate, misleading or in violation of his or her privacy or other rights.

- b. G4HCC may comply with the request or it may decide not to comply. In all cases where the College decides not to comply, it shall notify students of the decision and advise them of their right to hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
- c. Upon request, the College will arrange for a hearing, and notify the student, reasonably in advance, of the date, place and time of the hearing.
- d. The hearing will be conducted by G4HCC Curriculum Review Committee. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records.
- e. G4HCC will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
- f. If G4HCC decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy or other rights, it will notify the student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
- g. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If G4HCC discloses the contested portion of the record, it must also disclose the statement.
- h. If G4HCC decides that the information is inaccurate, misleading or in violation of the student's right of privacy or other rights, it will amend the record and notify the student, in writing, that the record has been amended. The person supplying or entering the information that has been deleted or modified shall also be notified of that action and the reasons for it.