

FERPA Basics

Twelve Questions covering the fundamental protection under FERPA for students at Cogswell Polytechnical College (CPC):

1. What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. FERPA governs (1) the release of educational records maintained by the College and (2) access to these records.

2. What does FERPA require of Cogswell College for compliance?

- Notify students annually of their FERPA rights
- Protect students' rights to inspect and review their educational records
- Protect students' rights to request to amend their educational records
- Protect students' rights to limit disclosure of personally identifiable information contained in education records and known as "directory information"
- Ensure that third parties do not redisclose personally identifiable information
- Keep records of request for and disclosures of student education records in specific situations.

3. Who has FERPA rights at CPC?

A student "in attendance" (regardless of age) and former students. According to the CPC FERPA policy, a "student" is any person who attends or has attended Cogswell College. FERPA rights do not apply to prospective or students who have applied, but have not enrolled at CPC. "In attendance" is the day the student first attends a class at Cogswell College.

4. What are the FERPA rights of CPC students?

- Right to inspect and review their education records
- Right to request to amend their education records
- Right to limit disclosure of some "personally identifiable information" known as "directory information".

5. What are the Parents rights under FERPA?

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. At Cogswell College this permission is given to the school in writing through the **Student Consent to the Release of Educational Records Form**. The form could be obtained from the school website or from the Registrar's office. In order to be effective, the consent needs to be submitted to the Registrar.

6. What are education records under FERPA and how they can be released?

Education records are defined as records that are:

- Directly related to a student, and
- Maintained by CPC or a party acting for the college.

Education records include: Academic, Business Office, Financial Aid and Judicial/Student Life.

7. What is not an educational record and falls outside the scope of FERPA?

The CPC FERPA policy indicates that the following are not considered education records:

- a. **Personal records** which are kept by a staff member if the record is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except as a temporary substitute for the maker of the record.
- b. **Employee records** 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 at CPC.
- c. **Law enforcement records** maintained by the CPC Campus Safety Services Office if the record is maintained solely for agencies of the same jurisdiction, and the department does not have access to education records maintained by CPC.
- d. **Counseling records** which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity or assisting in a paraprofessional capacity, used solely in connection with the provision of treatment to the student and not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student's choice. "Treatment" in this context does not include remedial educational activities or activities which are part of the program of instruction at CPC.
- e. **Health records** maintained by CPC Student Services if the records are used only for treatment of a student and made available only to those persons providing the treatment.
- f. **Alumni records** which contain information about a student after he or she is no longer in attendance at CPC and which do not relate to the person as a student.

8. When would CPC release information from a student's education record without the permission of the student?

According to CPC's FERPA policy, the College may release any information from a student's education record, without consent, to the following parties or under the following conditions:

- To a **school official who has a legitimate educational interest** in the record. A "school official" is a person employed by the College or an agent of CPC working in an administrative, supervisory, academic, research or support staff capacity. A school official has a "legitimate educational interest" if the official is performing a task that is specified in his or her position description, performing a task related to the student's education, or is performing a task related to the discipline of the student.
- 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 and other federal, state and local educational authorities**, in connection with certain state and 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. Parents' financial information, including statements submitted in connection with financial aid applications, is excluded from inspection.
- To **organizations conducting certain studies** for, or on behalf of, the College.
- 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 courts for a legal proceeding brought by a parent or student against the college or by the College against a parent or student.**
- To **parents and legal guardians of students under the age of 21 if the student violated laws or policies** relating to the use or possession of alcohol or a controlled substance.
- **To state and local juvenile justice systems or their officials.**
- **If designated as directory information.**

9. What is directory information?

According to FERPA, directory information is defined as information contained in an educational record that generally would not be considered harmful or an invasion of privacy if disclosed. As such, CPC FERPA lists the following items as "directory information" which can be released to third parties without the student's consent:

- Student's full name
- Major field of study
- Dates of attendance (defined as term beginning and ending dates)
- Degrees, as well as honors, conferred and dates of graduation.

10. How can a student prevent disclosure of all or part of his or her directory information?

If a student prefers not to have any directory information released to anyone, the student must complete a non-disclosure form **Request to Prevent Directory Disclosure Form** and submit it to the Office of the Registrar. Request for non-disclosure may be filed with Office of the Registrar during the registration period and throughout the academic year. Once filed, the request remains in effect just prior to the Fall term of the following academic year. Request for non-disclosure by students in their last term of enrollment at CPC remain in effect until cancelled in writing by the student.

11. In which cases could Cogswell College release personal identifying information to outside parties without student consent?

- Appropriate parties in connection with financial aid to a student
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

No other information may be released concerning a student without the written authorization of that student. This is an especially important issue affecting the request and release of a student's transcript. The Registrar's Office, the official repository for student records, cannot prepare or release a transcript except by way of a student's signed request. Telephone requests and requests by other family members or friends cannot be honored. This is not just a College policy but a federal legislative provision enacted under FERPA. Contact the College Registrar for additional information.

12. How can a student challenge the content of their education records?

FERPA grants students the right to seek amendment to their education records if the student believes the record to be inaccurate, misleading, or in violation of their privacy rights. Requests for amendment must follow these steps:

- A student must request in writing that the College Registrar or other custodian of records amend a record. The student must identify the part of the record to be amended and explain why the student believes the record to be inaccurate, misleading, or in violation of the student's rights. CPC may comply with the request or it may decide not to comply. If the College decides not to comply, the student will be notified in writing of the decision and advised of his or her right to a hearing to challenge the decision. If the College decides that the information is inaccurate, misleading, or in violation of the student's rights, it will amend the record and notify the student in writing that the record has been amended.

FERPA Sources

For additional information, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339.

Or you may contact the office of education that administers FERPA at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

A copy of the Family Education Rights may be requested from the College or viewed at the following website: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>