

STUDENT RECORDS

FERPA

Notification of Rights Under FERPA for Postsecondary Institutions

The following information is to inform currently attending students of their rights under the Family Educational Rights and Privacy Act (FERPA) and the regulations relating to FERPA Public Law 20 U.S.C. § 1232g; 34 CFR Part 99 promulgated by the Department of Education and Florida Statute 1002.22.

FERPA affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the College receives a request for access. A student should submit to the registrar, director of admissions, head of the academic department, [or other appropriate official,] a written request that identifies the record(s) the student wishes to inspect. The school official 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.
2. 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 school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If EFSC decides not to amend the record as requested, EFSC 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.

3. The right to provide written consent before EFSC discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

EFSC 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 is typically includes a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College 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 or a student volunteering to assist another school official in performing his or her tasks. 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 EFSC.

Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. EFSC will make a reasonable attempt to notify each student of these disclosures unless the disclosure is initiated by the student.

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

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

See the list below of the disclosures that postsecondary institutions may make without consent. FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student:

- To other school officials, including teachers, within EFSC whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, 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. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- 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. (§ 99.31(a)(4))
- 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. (§ 99.31(a)(6))

- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, 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. (§ 99.31(a)(14))
- To parents of a student regarding the student's violation of any Federal, State, or local law, or of 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. (§99.31(a)(15))

Directory Information

Pursuant to FERPA regulations (20 U.S.C. § 1232g; 34 CFR Part 99.37) and Florida Statute 1002.22, Eastern Florida State College hereby designates the following categories of student information as "directory information," which may be made public for College purposes unless the student is in an exempt category as defined by Florida Statute 119.071(4)(d)1).

- Student name
- Degree of study
- Participation in officially recognized college activities
- Weight and height of members of athletic teams
- Terms of attendance
- Degrees and awards received

Such information may be disclosed at the discretion of the College for any legitimate purpose as defined by the College, except as provided in the opt-out option. The College may share any portion of student records with postsecondary institutions to which the student is enrolled or intends to enroll, or with the student's high school or governing school board as necessary to provide for pathways of transfer, degree completion, or other legitimate educational purpose on behalf of the student pursuant to 20 U.S.C. § 1232g; 34 CFR Part 99.33 and 99.34.

What Does This Mean?

When a student turns 18 years of age or attends a postsecondary institution, the student, and not the parent, may access, seek to amend, and consent to disclosures of his or her education records. Only the student may request access to his or her education records. Only the student may register for classes. The student may grant permission for a third party to do this only by signing a release form which specifies exactly who, what and when the designated person may access the student's information.

Opt-Out Option

Students may opt-out of disclosure of directory information. To do so, a student must complete, sign, and submit, in person, to the campus Admission and Records Office a *Request for Confidential Status of Directory Information* form. Students who qualify as exempt from disclosure of directory information by Florida Statute 119.071 (4)(d)1) and current and former military service members who served since September 11, 2001, their spouses, and dependents are required to notify the Registrar by completing, signing, and submitting the *Request for Confidential Status of Directory Information*. The request may be made at any time and remains in effect unless and until the student submits a request for it to be removed or the student is deceased.

If the student does not complete and submit the appropriate form requesting the withholding of directory information, the College assumes the student consents to the disclosure of such information. The status of disclosure is binding and all records will be noted "confidential" until the status is revoked by the student. No information will be released without prior written consent of the student.

The College disclaims any and all liability for inadvertent disclosure of directory information designated to be withheld.

Non-Directory Information

Non-directory information is personally identifiable information such as grades, transcripts, GPA and academic standing. The College does not release this information without written authorization from the student. If a student wishes to have any personally identifiable information regarding their educational record released, a *FERPA Authorization to Release Information* form must be completed by the student. The forms are available in the campus admissions and records offices and online.

Release of Information to Third Party

Students may, at their discretion, grant EFSC permission to release information about their student record to a third party by submitting a completed *FERPA Authorization to Release Information* form. The form must be submitted in person by the student to the campus Admissions and Records Office. The authorization may be revoked at any time by written permission by the student.

Authorization to release information does not provide the third party authorization to conduct any actions on behalf of the student, such as registering, dropping or withdrawing from a class. Nor does it give authorization to the third party to access the student's classwork. If it is determined that persons other than the student are accessing a student's records in the classroom, the student will be removed from the class and

receive a final grade of "F". While students may provide written consent for a third party to receive information regarding their educational records, that consent does not permit any other person besides the student to complete or access coursework within the classroom or online setting.

A school is permitted, but not required, to provide a third party with access to information from education records. This is true even if the student has provided written consent for such disclosure. The only party to whom the school is "required" to provide access to information in an eligible student's education records is the eligible student.