

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) allows students certain rights with respect to their education records.

Who is covered under the Family Educational Rights Privacy Act (FERPA)?

All public or private institutions providing educational services and/or instruction to students and that receive funds under an applicable government program are subject to the requirements of the act. For the purposes of our organization, FERPA applies to the Stevens-Henager College, CollegeAmerica, Independence University, and California College San Diego campuses (“Colleges”).

Under FERPA, the College may release student information without student consent to school officials. This includes the College officials and those officials of other institutions who have a legitimate educational interest and need the information in order to fulfill their professional responsibilities. The College is also authorized to release student information to various federal and state agencies, accreditation agencies and to appropriate parties when so ordered by a federal or state court. Additionally, in the event of an emergency, the College will release student information to protect the health and safety of students, staff and faculty.

The College’s responses to student requests for academic record amendments may be appealed in accordance with the Grievances and Appeals Policy. After exhausting all appeals, students who have a grievance regarding the release of their personally identifiable information may file a complaint with the U.S. Department of Education, Family Policy Compliance Office, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

General Rules

1. The Colleges must not disclose personally identifiable information within education records to third parties without prior written consent of either the parent or eligible student (not both).

a. Who is an eligible student?

An eligible student is one who has been admitted to the Colleges and who has attended class.

b. What education records are included as protected?

- Student GPA/transcripts
- Final course grades
- Admissions materials
- Financial aid records
- Disciplinary records
- Attendance records
- Academic counseling records
- All other records except for the below

c. What is not considered personally identifiable information? Personally identifiable information does not include what is known as directory information. **Directory information usually includes:**

- Name
- Mailing address
- Telephone listing
- E-mail address
- Account number for student information access systems
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Participation in officially recognized student activities
- Enrollment status
- Degrees, honors, awards
- Most recent prior College of attendance

The Colleges must annually inform students about what is maintained as directory information and permit an opportunity to request non-disclosure.

d. How do you secure prior written consent for personally identifiable information? Prior written consent for non-directory information must i) specify the precise record(s) that may be disclosed, ii) state the purpose of the disclosure, and iii) identify the parties to whom disclosure is permitted. Consent may be given electronically if it identifies and authenticates the person granting consent and indicates such person's approval of the information contained in the electronic consent. The disclosure of such information must include the condition that the recipient will not re-disclose information to any other party without prior written consent. If recipient does re-disclose without consent (unless pursuant to law), then the Colleges may not permit access to that recipient for a minimum of five years.

2. The Colleges must permit the parent or eligible student (not both) to inspect or review all education records unless such right has been waived.

3. The parent or eligible student (not both) has the right to request the correction of education records which are believed to be inaccurate or misleading.

Administrative Requirements

Record Maintenance

Colleges must maintain a record of each request for access to, and each disclosure of, personally identifiable information. The records must be maintained as long as the primary student records are kept. The records must state the recipient of the information and the legitimate interest or exception that supported disclosure.

Annual Notification

The Colleges must annually inform its students of i) the right to inspect and review records, and procedures to exercise that right, ii) the right to seek an amendment of records, and procedures to request amendment, and iii) what is included in directory information, and the ability of the student to opt out of certain disclosures. The Colleges must also identify who has a legitimate educational interest in viewing the records.

Exceptions to General Rules

1. Law enforcement exception Records that are created and maintained by a law enforcement unit (usually campus security) for law enforcement purposes.

2. Exceptions to prior written consent requirement for personally identifiable information

Disclosure to officials/faculty within Colleges with a legitimate educational interest

- Release for student transfer purposes
- Disclosure to authorized representatives of Comptroller General, U.S. Department of Education, state educational authorities
- Disclosure to state/local authorities acting per a state statute
- Required disclosure to Federal Student Aid
- Disclosure to organizations conducting studies to i) develop, administer, or validate predictive tests, ii) administer student aid programs, or iii) improve instruction
- Disclosure to accrediting organizations
- Disclosure to parents of students who are dependent for federal tax purposes
- May disclose to parents or guardian information regarding student violation of alcohol or drug laws/policies if student is under 21 and the Colleges take disciplinary action
- May disclose to alleged victim of any crime of violence the final results of any disciplinary proceeding against alleged perpetrator
- Release for health or safety emergency purposes
- Disclosures for purpose of litigation between Colleges and parent/student
- Disclosures to Department of Homeland Security/CIS
- Disclosure pursuant to judicial order/ lawfully issued subpoena
- Disclosures pursuant to Campus Sex Crimes Prevention Act of 2000 information

