

## STUDENT RECORDS

### **Family Education Rights and Privacy Act**

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. The law applies to all programs that receive funds under an applicable program of the U.S. Department of Education.

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 program beyond the high school level. Students to whom the rights have transferred are "eligible students."

Eligible students have the right to inspect and review the student's education records maintained by the program. **The Center will provide access to the eligible student's file within 45 days** of receipt of a written request from the student. Programs are not required to provide copies of records unless, for reasons such as great distance, it is impossible for the eligible student to review their records onsite. Programs may charge a fee for copies.

Eligible students have the right to request that a program amend records which they believe to be inaccurate or misleading. 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. The process is as follows:

1. **The request to correct a student's record must be submitted in writing to the Assistant Director. The request will be answered verbally or in writing within ten (10) business days from receipt of the request.**
2. **If the parent or eligible student is not satisfied with the Assistant Directors' response, they can request in writing that the program committee of the program meet to review their request.**
3. Within ten (10) business days of the request the program committee will meet to review the request. The parent or eligible student will be notified in writing regarding, the decision of the program committee. The decision of the program committee will be final.
4. If the parent or eligible student is still not satisfied they have the right to place a statement in the record setting forth his or her view about the contested information.

Generally, programs must have written permission from the eligible student in order to release any information from a student's education record. However, under § 99.31, an educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by § 99.30 if the disclosure meets one or more of the following conditions:

1. The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.
2. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
3. The disclosure is to authorized representatives of:
  - a. The Comptroller General of the United States;
  - b. The Attorney General of the United States;
  - c. The Secretary; or
  - d. State and local educational authorities.
4. 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:
  - a. Determine eligibility for the aid;
  - b. Determine the amount of the aid;
  - c. Determine the conditions for the aid; or
  - d. Enforce the terms and conditions of the aid.
5. The disclosure is to State and local officials or authorities to whom this information is allowed to be reported or disclosed pursuant to State statute.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

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- a. Develop, validate, or administer predictive tests;
  - b. Administer student aid programs; or
  - c. Improve instruction.
7. The disclosure is to accrediting organizations to carry out their accrediting functions.
  8. The disclosure is to parents of a dependent student.
  9. The disclosure is to comply with a judicial order or lawfully issued subpoena.
  10. The disclosure is in connection with a health or safety emergency.
  11. **The disclosure is information the educational agency or institution has designated as "directory information".\***
  12. The disclosure is to the parent of a student who is not an eligible student or to the student.
  13. The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense.
  14. The disclosure is in connection with a disciplinary proceeding at an institution of postsecondary education.
  15. The disclosure is to a parent of a student under the age of 21 at an institution of postsecondary education 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.

\* An educational agency or institution may disclose directory information if it has given public notice to eligible students in attendance at the agency or institution of:

- The types of personally identifiable information that the agency or institution has designated as directory information;
- An eligible student's right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and
- The period of time within which a eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

Programs must notify eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student, or newspaper article) is left to the discretion of each program.

For additional information or technical assistance, 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 United States Department of Education at the following address:

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

### **HIPAA and FERPA**

**If a health record is used to make a decision in regards to a student's education program (i.e. whether a student should receive extended time for testing; or be exempted from an academic requirement) the health record may be construed to be an education record. In that case the normal FERPA provisions for safeguarding the record would apply.**

The Center follows requirements for the privacy of health records (HIPAA).

### **FERPA and Subpoenas**

Upon receipt of a subpoena or other Court Order, the Center will make a reasonable effort to notify the student of the receipt of the order in advance of compliance in order for the student to have the opportunity to seek protective action.

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### **Health and Safety Exemption Requirement**

A health and safety exception permits the disclosure of personally identifiable information from a student's record in case of an immediate threat to the health or safety of students or other individuals.

The Center only discloses personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or individuals. The Director of the Center with the guidance of legal counsel will decide if knowledge of the information is necessary to protect the health and safety of the student or individuals.

### **Student Permanent Records**

Student records are kept permanently. All previous students' records are kept in an off-site storage facility.

A student's permanent record is made up of electronic records and hard copy records. The following information is maintained in a student's permanent record:

- Completed Application Packet
- Enrollment Documentation
  - Enrollment Agreement
  - Advanced Standing Request (if applicable)
  - Transfer Credit/Hour Request (if applicable)
- Orientation Paperwork
- Attendance Records
- Grade Sheets
- Clinical Competencies/Proficiency Evaluations
- Counseling forms (if applicable)
- Withdrawal Forms (if applicable)
- Leave of Absence Forms (if applicable)
- Financial Statement
- Official Program Transcript
- Certificate of Completion
- Placement Information

To request review of your records, a written request must be filed with the Assistant Director. Records will be available within forty five (45) business days of the date of the request.

The following staff members of the Center are allowed access to student records without the student's permission:

- Directors
- Medical Directors/Advisors
- Program Directors
- Coordinators
- Managers
- Administrative Assistants

Students who wish to have the Center release their educational records (transcripts) to a third party must complete an *Authorization To Disclose Information from Educational Records* form which will detail:

- the purpose of the disclosure
- to whom the disclosure is to be made