



## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

### **General Policy**

The Family Educational Rights and Privacy Act (the Act) (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 schools that receive funds under an applicable program of the U.S. Department of Education.

The Act 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 called "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 that 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.

### **Educational Records**

Education records are records maintained by the school that contain information that directly relates to the student. Examples are the student's academic, financial aid, and career services files. Education records may be maintained in electronic format. The only persons authorized to access education records are those with a legitimate administrative or academic interest. Schools are 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.

In addition, the following records are exempt from the Act:

- The financial records of the student's parents.
- Information about other students.
- Confidential letters of recommendation to which the student has waived his or her right to inspect.

- Employment records of students who are employed by Florida Education Institute.
- Records created or received after an individual is no longer a student and which do not directly relate to the individual's attendance as a student at Florida Education Institute.
- Grades on peer-graded papers not collected and recorded by an instructor.
- Records about students made by, and only accessible to, faculty and administrative personnel.

### **Review of Records**

It is the policy of Florida Education Institute to periodically review education records to insure that they do not contain information which is misleading, inaccurate or otherwise inappropriate. Florida Education Institute may destroy records that it determines, in its sole discretion, are no longer useful or pertinent to the students circumstances, and which Florida Education Institute is not legally required to maintain.

### **Directory Information**

Directory Information means information contained in an education record of the student that would generally not be considered harmful or an invasion of privacy if disclosed.

Directory Information includes, but is not limited to:

The students name, address(es), telephone number(s), date and place of birth, program in which enrolled, extracurricular activities, credentials, awards and recognition (i.e., honors) received, last school attended, dates of attendance (i.e. enrollment periods, not daily attendance records), and student or user ID number (other than social security number), but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity that are known or possessed only by the authorized user.

Directory Information may be unconditionally released without the students consent, unless the student has specifically requested, in writing, that the information not be released.

### **Release Without Student Consent**

The school may release a student's education records without written consent of the student to:

1. Other school officials who have a legitimate educational interest.
2. Other schools where the student has applied for admission.
3. Authorized representatives of the U.S. Department of Education, state and/or local education authorities, the Comptroller General of the United States, or the Attorney General of the United States.

4. Providers of financial aid (and services in connection therewith) for which the student has applied or received, including, without limitation, lenders, guaranty agencies, Veterans Administration, state vocational rehabilitation agencies, and collection agencies.
5. State and local authorities where required.
6. Accrediting agencies.
7. A parent (whether a maternal parent, guardian, or an individual acting as a parent in the absence of a parent or guardian) of a student who is a dependent of the parent for purposes of the Internal Revenue Code (the school is not required, however, to release such records).
8. Any court in which the student or a parent of the student initiates a legal action against the school, but only with respect to the students education records that are necessary for the school to defend itself.
9. Any court in which the school initiates a legal action against the student or a parent of the student, but only with respect to the student's education records that are relevant for the school to prosecute the legal action.
10. Any person pursuant to and in compliance with a judicial order or subpoena provided that a reasonable attempt is made to notify the student prior to compliance (unless the order or subpoena specifies that the student must not be notified).
11. Appropriate persons or agencies in the event of a health or safety emergency.
12. Organizations conducting studies to develop, validate and administer predictive tests, to administer student aid programs, or to improve instruction.
13. The public, if the school determines in its discretion, that the student as an alleged perpetrator has committed a Crime of Violence or a Non-forcible Sex Offense in violation of the Conduct policies of the school, but only the following information from the students education records: the students name, the violation committed, and any sanction imposed by the school on the student. A crime of violence means an act that would, if proven, constitute any of the following offenses or offenses to commit the following offenses: arson; assault offenses; burglary; criminal homicide, whether manslaughter by negligence, murder or non-negligent manslaughter; the destruction, damage or vandalism of property; kidnapping or abduction; robbery; or forcible sex offense. A non-forcible sex offense means an act that would, if proven, constitute statutory rape or incest.
14. The purported victim regardless of whether the school determines that the student, as an alleged perpetrator, committed a Crime of Violence or Non-forcible Sex Offense in violation of the Conduct policies of the school, but only the following information from the students education records: the students name, the violation committed, and any sanction imposed by the school on the student.
15. Any person, if the education records disclosed are Directory Information on the student.
16. The student or the student's parents if the student is less than 18 years old.
17. A parent of the student regarding the students violation of any federal, state or local law, or any rule or policy of the school concerning the use or possession of alcohol or a controlled substance, if the student is under the age of 21 and the school has

determined that the student has violated the Conduct policies of the school with respect to that use or possession.

18. The United States Attorney General (or designee not lower than an Assistant Attorney General) pursuant to an ex parte court order concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b (g) (5) (B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
19. The public, if the disclosure concerns an individual required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the school under 42 U.S.C. 14071 and applicable federal guidelines.

Florida Education Institute has adopted a detailed Family Educational Rights and Privacy Act policy which is available to an eligible student upon request. Students may also review the FERPA regulations, frequently asked questions, significant opinions of the U.S. Department of Education's Family Policy Compliance Office (FPCO) and other information regarding FERPA at the following website: [www.ed.gov/policy/gen/guid/fpc/index.html](http://www.ed.gov/policy/gen/guid/fpc/index.html)