

# The Family Education Rights and Privacy Act (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. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. It was enacted in 1974 to help protect the privacy of student's educational records.

The act provides for the right of the student to inspect and review their education records, the right to seek to amend those records, and to limit disclosure of information from those records.

Students who are currently enrolled at Oak Hills Christian College or formerly enrolled students, regardless of their age or status in regard to parental dependency are protected under FERPA. Parents of students termed dependent for income tax purposes may have access to the student's educational records. To verify a student's dependency, a current Income Tax Return of the parent must be submitted with the student's name on it as a dependent. Parents may also have access to educational records of their children by obtaining the signed, written consent of the student. The written request must include the date of the request, the name of the student and a statement indicating that the student is the parent's dependent, the specific records requested must be named, and a signature of the requesting parent. The records can be disclosed to the parent *one time*.

With certain exceptions a student has rights of access to those records which are directly related to him/her and which are maintained by Oak Hills. Educational Records include any records in the possession of an employee, which are shared with or accessible to another individual. This would include transcripts or other records obtained from a school in which a student was previously enrolled.

Oak Hills may disclose information on a student without violating FERPA through what is known as directory information. FERPA regulations define "directory information" as information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. This generally includes a student's name, address, telephone listing, e-mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, grade level or year (such as freshman or junior), and enrollment status (undergraduate or graduate; full-time or part-time). FERPA does not require a school to notify eligible students individually of the types of information it has designated as directory information. Rather, the school may provide this notice by any means likely to inform eligible students of the types of information it has designated as directory information. **A student may restrict the release of his/her directory information by making a request in writing to the Registrar.**

Prior written consent is *not* required when disclosure is made under the following conditions:

- To the student
- To school officials who have "legitimate educational interests" (*School officials* are any college official such as administrators, professors, counselors, clerical staff and attorneys employed or contracted by Oak Hills to perform an official task for the institution. *Legitimate educational interest* would include any non-directory information given without student's prior consent for the use of any inter-departmental needs of the institution or for any legal purposes).
- To schools in which the student seeks or intends to enroll
- To federal, state, and local authorities involved in the audit, or evaluation of compliance with education programs
- To comply with a judicial order or subpoena
- In connection with financial aid
- To organizations conducting studies for or on behalf of educational institutions
- To accrediting organizations

- To the parents of a dependent student
  - When a health or safety emergency is apparent
  - When directory information is being released
  - To an alleged victim of a crime of violence, the results of a disciplinary hearing may be disclosed
- Requests to disclose educational information will always be handled with caution and approached on a case-by-case basis.

Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy, should discuss their problems informally with the person in charge of the records involved. If the problems cannot be resolved, the student may request a formal hearing with the Registrar. The request must be made in writing to the Registrar who, within ten days after receiving the request, will inform the student of the date, place, and time of the hearing. Students may present evidence relevant to the issues raised. The hearing officer who will adjudicate such challenges will be the Registrar, or a person designated by the Registrar who does not have a direct interest in the outcome of the hearing. The educational records will be corrected or amended in accordance with the decisions of the hearing officer, if the decisions are in favor of the student. If the decisions are unsatisfactory to the student, the student may place with the educational records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decisions of the hearing officer. The statements will be placed in the educational records, maintained as part of the student's records, and released whenever the records in question are disclosed.

This guidance document is designed to provide eligible students with some general information regarding FERPA and their rights, and to address some of the basic questions most frequently asked by eligible students. You can review the FERPA regulations, frequently asked questions, and other information regarding FERPA at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

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