

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Student Rights under FERPA for Post Secondary Institutions

The Family Educational Rights and Privacy Act (FERPA)

Affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The College 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 College 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 record that the student believes is inaccurate. Students may ask the College to amend a record that they believe is inaccurate. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her 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 consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is 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 or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the College discloses education records without consent to officials of another school in which a student seeks or intends to enroll or is already enrolled so long as the disclosure is for the purposes related to the student's enrollment.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the

requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the privacy of student records. FERPA governs:

1. release of these records (known as education records) maintained by an educational institution and
2. access to these records.

*This law applies to K-12 as well as post-secondary education.

Any educational institution (school or other entity that provides educational services and is attended by students) and educational agency (entity that administers schools directly linked to it) that receives funds under any program administered by the U.S. Secretary of Education.

Notify students annually. Schools must notify students of their rights on an annual basis. There is no specific method that schools must use to notify students; it is up to the institution. The notice must take a form that is "reasonably likely" to notify students. Recommended and most frequently used ways include:

- Student bulletin, handbook, or catalog
- School or local newspaper
- Student registration packet
- Protect students' rights to inspect and review their education records.
- Protect students' rights to request to amend their education records.
- Protect students' rights to limit disclosure of personally identifiable information contained in education records.
- Ensure that third parties do not re-disclose personally identifiable information (except under a few circumstances).
- Keep records of requests for and disclosures of student education records in limited situation

A student "in attendance" (regardless of age) and former students.

- *Student* applies to all students attending — including continuing education students, students auditing a class, distance education students, and high school students enrolled in college.
- *In attendance* applies to and is determined by the institution. If the institution has not defined when a student is "in attendance" that date becomes the day the student first attends a class at the institution.

- Right to inspect and review their education records.
- Right to request to amend their education records.
- Right to limit disclosure of some "personally identifiable information" (information that would directly identify the student

or make the student's identity easily traceable) known as *directory information*.

June 14, 2005

Date of Last Revision:

November 28, 2017

September 14, 2016 Chancellor's Staff

April 22, 2015 Chancellor's Staff

April 14, 2009

-
- Student's name
 - 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 public or private school attended by the student
 - Any other information authorized in writing by the student.
-

North Orange County Community College District
BOARD POLICY
Chapter 5
Student Services

Reference:

Education Code Sections 76200, et seq.;
Title 5, Sections 54600, et seq.;
20 U.S. Code Section 1232g(i)
ACCJC Accreditation Standard II.C.8;
WASC/ACS Criterion 7, Indicator 7.5

1.0 A cumulative record of enrollment, scholarship, and educational progress shall be maintained for each student by the Admissions and Records Office of each college and the North Orange Continuing Education Student Records Office.

2.0 The Chancellor shall establish procedures to ensure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records, and may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

3.0 Any currently enrolled or former student of the District has a right of access to any and all student records relating to him or her maintained by the District.

4.0 No instructor, official, employee, or governing board member shall authorize access to student records (or personally identifiable information contained therein) to any person without the written consent of the student, other than directory information as specified in Administrative Procedure 5040, except in compliance with a judicial order or lawfully issued subpoena, or as otherwise authorized by law.

5.0 Student information identified by the District as directory information shall be limited to the categories of directory information defined in Education Code Section 76210(b) and Title 20, section 1232g of the United States Code. The District may limit or deny the release of specific categories of directory information based upon a determination of the best interests of students.

6.0 Students shall be notified of their rights with respect to student records, including the categories of student information that the District has designated as directory information, and that they may limit the information to be released.

See Administrative Procedures (AP) 5040

Date of Adoption: