

Student Records and Rights of Privacy (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that administered by the Family Policy Compliance Office (Office) in the U.S. Department of Education that protects the privacy of student education records. The law applies to all educational agencies and institutions (e.g., schools) that receive funding under any program administered by the U.S. Department of Education. As a consequence, Bryan University endeavors to safely protect all basic nonpublic personal records and reports pertaining to students. Methods of protecting records may include, but are not limited to: securing physical/printed copies of documents in locked fire-rated file cabinets (that can be and are locked when not being used) or centrally locating digitized copies of documents on backed up, password protected, and secured computer storage media. FERPA provides guidelines regarding a parent's and/or eligible student's right to access information contained within the student academic record, the University's responsibility to prohibit the improper disclosure of personally identifiable information derived from education records, and the school's responsibility to notify eligible students in attendance of their rights under FERPA on an annual basis. Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student. The eligible student has the right to have access to his or her education records, the right to seek to have the records amended, the right to have control over the disclosure of personally identifiable information from the records (except in certain circumstances specified in the FERPA regulations, some of which are discussed below), and the right to file a complaint with the Department. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution.

Parents or eligible students will be provided access to their student records within 45 days from the day the University receives a written request for access. A request must be submitted in writing to the Executive Director that identifies the specific record(s) requested. A designated school official will work with the initiator of the request, in accord with FERPA guidelines, to make arrangements to access the requested records. A parent or eligible student may request that the University amend an educational record that the student believes is inaccurate. The student must submit a written request to the Executive Director outlining the specific information that requires consideration. If the University determines not to change the information in the student file, the Executive Director or designee will notify the student of that decision. The student may then appeal this decision by way of the student Appeal and Grievance Procedures. In the event that the appeal is denied, 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.

Under FERPA, a school may not generally disclose personally identifiable information from an eligible student's education records to a third party unless the eligible student has provided written consent. However, there are a number of exceptions to FERPA's prohibition against non-consensual disclosure of personally identifiable information from education records.

Except for disclosures to school officials (see definition of "school official" below), disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

Under these exceptions, schools are permitted to disclose personally identifiable information from education records without consent, though they are not required to do so. Exceptions to the prior written consent requirement in FERPA allows the following to obtain access to student information: "school officials," within a school to obtain access to personally identifiable information contained in education records provided the school has determined that they have

“legitimate educational interest” in the information; another school in which the student seeks or intends to enroll; members of a financial assistance entity for which the student has applied or which the student has received, if the information is necessary for such purposes as to: determine the eligibility for the assistance; determine the amount of the assistance; determine the conditions for the assistance; and/or enforce the terms and conditions of the assistance; parents of a “dependent student” as that term is defined in Section 152 of the Internal Revenue Code; appropriate parties, including parents of an eligible student, in connection with a health or safety emergency; and directory information as permitted at 34 CFR § 99.31.

For the purposes of this policy, as “school official” as used above shall include a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Schools may, and Bryan University will, disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. Directory Information is information on a student that the University may release to third parties without the consent of the student. Bryan University has defined directory information as the student’s name, address(es), telephone number(s), e-mail address, birth date and place, program undertaking, dates of attendance, honors and awards, and credential awarded. If a student does not want some or all of his or her directory information to be released to third parties without the student’s consent, the student must present such a request in writing to the Executive Director within 10 days after the date of the student’s initial enrollment or by a later date as specified by the University.