

# FERPA

## FLORIDA COASTAL SCHOOL OF LAW THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act of 1974, as amended, is a Federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

For FERPA policy purposes, a student is defined a current student enrolled in at least one credit hour. A student education record is with certain exemptions as listed below, those records, files, documents, and other materials which contain information directly related to a student, and are maintained by any employee or agent of the law school. The following categories of information are exempted and are not considered to be "education records:

- a. Records made by law school personnel who are in the sole possession of the creator and are not accessible or revealed to any other person.
- b. Records maintained by the Security Office for law enforcement purposes.
- c. Medical and counseling records used solely for treatment. (Medical records may be personally reviewed by a physician of the student's choice.)
- d. Records only related to a former student (alumni records). Records of that individual while a student continue to be considered education records.

Florida Coastal School of Law accords all the rights under the law to every student. No one outside the institution shall have access to nor will the institution disclose any information from a student's education records without the written consent of the student except to personnel within the institution, to officials of other institutions in which the student seeks to enroll, to persons or organizations providing a student financial aid or enforcing provisions of student financial aid received, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons. All these exceptions are permitted under the Act.

Within the Florida Coastal School of Law community, only those members, individually or collectively, acting in a student's educational interest is allowed access to a student's education records. These members include personnel in the Offices of the Assistant Dean for Academics, Vice-Dean, Registrar, Admissions, Financial Aid, and Finance, and academic personnel within the limitations of their need to know.

School officials are those members of an institution who act in the student's educational interest within the limitations of their need to know, which includes deans, faculty, administrators, clerical and professional employees, contractors, volunteers, other non-employees performing institutional services and functions, and other persons who manage student record information. School officials must demonstrate a "need to know" before personally identifiable student information, located outside their immediate domain, may be released to them. Such release must be documented and placed in the student's file.

At its discretion, Florida Coastal School of Law may provide Directory information, in accordance with the provisions of the Act, to include Name, Local/campus address, Local/campus telephone, E-mail addresses, Undergraduate School, Major(s), Dates of attendance, Anticipated Date of Graduation, School Status and Degree(s) and awards received. All other information is considered to be non-directory information subject to provisions of the Act.

A student may withhold Directory information by notifying the Registrar in writing within two weeks after the first day of classes for the fall semester.

Requests for nondisclosure will be honored by Florida Coastal School of Law for only one academic year; therefore, authorization to withhold Directory information must be filed annually in the Office of the Registrar.

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records — including your Social Security Number, grades, or other private information — may be accessed without your consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

The law provides each student with the right to inspect and review information contained in his/her education records, to challenge the contents of his/her education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in his/her file if the decision of the hearing panel is unacceptable. The Registrar at Florida Coastal

School of Law has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions, academic, and financial files; and academic, cooperative education, and placement records. A student wishing to review her/his education records must make a written request to the Registrar listing the item or items of interest. Only records covered by the Act will be made available within forty-five days of the request. A student may have copies made of his/her records with certain exceptions, (e.g., a copy of the academic record, for which a financial "hold" exists, or a transcript of an original or source document which exists elsewhere). These copies would be made at the student's expense at prevailing rates. Education records do not include records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute; employment records, or alumni records.

A student may not inspect and review the following as outlined by the Act: financial information submitted by his/her parents; confidential letters and recommendations associated with admissions, employment or job placement; or honors to which he/she has waived his/her rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. Florida Coastal School of Law is not required to permit a student to inspect and review confidential letters and recommendations placed in his/her file prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

A student who believes that his/her education records contain information that is inaccurate or misleading, or is otherwise in violation of his/her privacy or other rights, may discuss his/her problems informally with the Office of the Registrar. If the decisions are in agreement with the student's requests, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended; and she/he will be informed by the Office of the Registrar of his/her right to a formal hearing. A student's request for a formal hearing must be made in writing to the Assistant Dean for Academics or the Vice Dean, who, within a reasonable period of time after receiving such requests, will inform the student of the date, place, and the time of the hearing. The hearing panel, which will adjudicate such challenges, will be the Academic Standards and Outputs Committee.

Decisions of the hearing panel will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decision, and will be delivered to all parties concerned. The education record will be corrected or amended in accordance with the decision of the hearing panel, if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education record statements commenting on the information in the record, or statements setting forth any reasons for disagreeing with the decision of the hearing panel. The statements will be placed in the education record, maintained as part of the student's records, and released whenever the records in question are disclosed.

A student who believes that the adjudication of his/her challenge is unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the Dean of the Florida Coastal School of Law to aid her/him in filing complaints with The Family Educational Rights and Privacy Act Office (FERPA), Department of Education, Room 4074, Switzer Building, Washington, DC 20202.

Revisions and clarifications will be published as experience with the law and Florida Coastal School of Law's policy warrants.