



## Family Educational Rights and Privacy Act Policy (FERPA)

### I. FERPA Overview

- A. FERPA is a federal law that is administered by the Family Policy Compliance Office (Office) in the U.S. Department of Education (Department). 20 U.S.C. § 1232g; 34 CFR Part 99. FERPA applies to all educational agencies and institutions (e.g., schools) that receive funding under any program administered by the Department.
- B. Once a student reaches 18 years of age or attends a postsecondary institution, the student becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student.
- C. The parent/guardian or eligible student has the right:
  - 1. to have access to the student's education records,
  - 2. to seek to have the records amended,
  - 3. 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
  - 4. to file a complaint with the Family Policy Compliance Office (the office of the federal government that oversees FERPA regulations and compliance).
- D. The term "education records" is defined as those records:
  - 1. that contain information directly related to a student and
  - 2. which are maintained by an educational agency or institution or by a party acting for the agency or institution.

### II. Disclosure of Student Information

- A. FERPA generally prohibits the improper disclosure of personally identifiable information derived from education records.
- B. Information that an official obtained through personal knowledge or observation, or has heard orally from others, is not protected under FERPA.
- C. Channing Hall may disclose the following without prior written parental consent:
  - 1. Directory information. Channing Hall defines "directory information" as:
    - a) student's name,
    - b) student's address,
    - c) student's telephone number,
    - d) student's date and place of birth,
    - e) honors and awards
    - f) dates of attendance
    - g) student photo
    - h) name of student's parent or guardian
- D. Channing Hall may disclose information, consistent with U.S.C. §1232g, 34 CFR Part 99, without prior written parental consent to the following entities or individuals:

1. school officials with legitimate educational interest. Channing Hall defines "school officials" as: instructors, administrators, health staff, counselors, attorneys, clerical staff, board members, members of committees and disciplinary boards, and contractors, volunteers or other parties to whom the school has outsourced institutional services or functions. The school defines "legitimate educational interest" as the need to review an education record in order to fulfill a professional responsibility;
  2. other schools to which a student is transferring;
  3. specified officials for audit or evaluation purposes;
  4. appropriate parties in connection with financial aid to a student;
  5. organizations conducting certain studies for or on behalf of the school;
  6. accrediting organizations;
  7. to comply with a judicial order or lawfully issued subpoena;
  8. appropriate officials in cases of health and safety emergencies;
  9. state and local authorities with a juvenile justice system, pursuant to specific State law;
  10. to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime; and
  11. to any third party the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense if the student who is the alleged perpetrator is found to have violated the school's rules or policies. The disclosure of the final results only includes: the name of the alleged perpetrator, the violation committed, and any sanction imposed against the alleged perpetrator. The disclosure must not include the name of any other student, including a victim or witness, without the written consent of that other student
- E. Channing Hall may disclose the records of an eligible student (an 18 year old student who generally stands in place of the parent/guardian) to the eligible student's parent/guardian if the eligible student is a dependent, as defined by the IRS.
- F. Under FERPA, a school is not generally required to maintain particular education records or education records that contain specific information. Rather, a school is required to provide certain privacy protections for those education records that it does maintain. Also, unless there is an outstanding request by an eligible student to inspect and review education records, FERPA permits the school to destroy such records without notice to the student.

### **III. Access to Education Records**

- A. A school must provide a parent or eligible student with an opportunity to inspect and review the student's education records within 45 days following the school's receipt of a request. Channing Hall always expects to provide these records more readily.
- B. A school is required to provide a parent or eligible student with copies of education records, or make other arrangements, if a failure to do so would effectively prevent the parent/student from obtaining access to the records. A case in point would be a situation in which the student does not live within commuting distance of the school.
- C. Channing Hall will not provide, under FERPA, access to academic calendars, course syllabi, or general notices such as announcements of specific events or extra-curricular activities to a parent or eligible student. That type of information is not generally directly related to an individual student and, therefore, does not meet the definition of an education record. Other similar information may be provided on Channing Hall's public website.

#### **IV. Amendment of Education Records**

- A. A parent or eligible student has the right to request that inaccurate or misleading information in the student's education records be amended.
  - 1. While a school is not required to amend education records in accordance with a parent/guardian or eligible student's request, the school must consider the request.
  - 2. If the school decides not to amend a record in accordance with the request, the school must inform the parent/eligible student of the right to a hearing on the matter.
  - 3. If, as a result of the hearing, the school still decides not to amend the record, the parent/ eligible student has the right to insert a statement in the record setting forth the parent's/ eligible student's views.
  - 4. That statement must remain with the student's record for as long as the record is maintained.
- B. The appeal process may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student.

#### **V. Annual Notification of Rights**

- A. A school must annually notify parents/guardians or eligible students in attendance of their rights under FERPA.
- B. The annual notification must include information regarding a parent's/guardian's or eligible student's right to inspect and review the student's education records, the right to seek to amend the records, the right to consent to disclosure of personally identifiable information from the records (except in certain circumstances), and the right to file a complaint with the Office regarding an alleged failure by a school to comply with FERPA.
- C. It must inform the parent/guardian or eligible students of the school's definitions of the terms "school official" and "legitimate educational interest."
- D. A parent/guardian or eligible student may direct the school not to disclose a student's directory information to all requesters without prior written parental permission.
- E. The annual notification may be published by Channing Hall by various means, including the following: in a schedule of classes; in a student handbook; in a calendar of school events; on the school's website (though this should not be the exclusive means of notification); in the student newspaper; and/or posted in a central location at the school or various locations throughout the school.

#### **VI. Law Enforcement Units and Law Enforcement Unit Records**

- A. A "law enforcement unit" at Channing Hall is defined as an individual, a department or an identified employee who is designated by the school to enforce laws and/or maintain the physical security and safety of the school
- B. "Law enforcement unit records" (i.e., records created by the law enforcement unit, created for a law enforcement purpose, and maintained by the law enforcement unit) are not "education records" subject to the privacy protections of FERPA.
- C. The law enforcement unit may refuse to provide a parent/guardian or eligible student with an opportunity to inspect and review law enforcement unit records, and it may disclose law enforcement unit records to third parties without the eligible student's prior written consent.
- D. Education records, or personally identifiable information from education records, which the school shares with the law enforcement unit do not lose their protected status as education records because they are shared with the law enforcement unit.

