



## **STUDENT ACCESS TO RECORDS PRIVACY POLICY (FERPA)**

Family Education Rights and Privacy Act (FERPA) (20 USC §1232g 34 CFR part 99) is a federal law that protects the privacy a few of student educational.

FERPA sets limits on the disclosure of personally identifiable information from school records, and defines the rights of the parents and eligible students with regard to the educational records maintained by the school.

### **Record keeping**

All files are the property of Austin Career Institute.

Students are encouraged to keep their own records of attendance and grades.

It is a student's responsibility to maintain copies of important documents - enrollment agreements, financial aid documents, written request commas sap reports, Etc.

A school representative must be present during the review of the files. Their intent is to clarify questions concerning these records.

### **FERPA School Responsibilities.**

The school is required to:

\*Annually notify students of their rights under FERPA.

\*Include procedure for exercising their rights to inspect and review education records.

\*Maintain a record in a student's file listing to whom personally identifiable information was disclosed in the legitimate interest the parties had in obtaining information (does not apply to school officials with legitimate educational interest).

### **Rights under FERPA**

FERPA gives students and parents are guardians of dependent minors the right to:

\*Inspect and review the student's educational records within 45 days of the request.

\*Request to amend an accurate information on the students records.

\*Request a hearing if the request for an amendment is denied. To challenge the contents of the educational records on the grounds that their records are inaccurate, misleading, or violate the Privacy rights of the student.

\*Provide consent for the disclosure of the student's records.

These rights apply to all educational records maintained by the school, including admission records (only if the student was admitted), academic records, and any financial aid records pertaining to the student.

### **Requesting Records**

FERPA does permit a school to disclose a student's educational records to his or her parents if the student is a dependent student under IRS laws. Note that the IRS definition of a dependent differs from that of dependent student for FSA purposes.

For IRS purposes, students are dependent if they are listed as dependents on their parents income tax returns. If the student is a dependent as defined by the IRS, disclosure may be made to either parent, regardless of which parent claims the student as a dependent. These rights transfer to the student when he or she reaches the age of 18 or attends school beyond the high school level. Students to whom the rights have transferred are "eligible students".

To request records students or parents or guardians of dependent student should submit a written request to the school director or other appropriate School official identifying the record the parent or student wishes to inspect.

The school official will make arrangements for access and notify the parent or student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the parent or student of the correct person to whom the request should be addressed. The school provide the parent or student with copies of educational records within 45 days of the receipt of a request.

Educational records, including transcripts and diplomas, will not be released to any student who has a delinquent financial obligation to the school.

### Requesting an Amendment

Students or parents or guardians of dependent students have the right to request that his school correct records, which they believed to be inaccurate, misleading, are violation of the students right to privacy. A student or parent or guardian of a dependent student seeking to amend a record should submit a written request to the institutions official responsible for the record, clearly identifying the part of the record in question and specifying why should be changed.

If the school decides not to amend the record as requested, the school notifies the student or parent or guardian of a dependent minor student in writing of the decision and they have the right to a formal hearing regarding the request for Amendment. Information regarding the hearing procedures will be provided to the student or parent or Guardian of a dependent student when notified of the right to a hearing.

After the hearing, if the school still determined not to amend the record, student or parent or guardian of a dependent student has the right to place a statement with a record-setting forth his or her view regarding the contested information.

### Providing Written Consent for Disclosure

A student must provide written consent before the school may disclose personally identifiable information from the student's educational records except under special conditions described below.

Written consent must:

- \*State the purpose of the disclosure. Specify the records that may be disclosed.
- \*Identify the party are class of parties to whom the disclosure may be made.
- \*Be signed and dated.

If the consent is given electronically, the consent form must:

- \*Identify and authenticate a particular person as a source of electronic consent.
- \*Indicate that person's approval of the information contained in the request.

### FERPA Disclosure Exceptions

FERPA regulations allow exceptions where the school may disclose personally identifiable information from the students file without prior written consent to the following parties or under the following conditions, (34 CFR §99.31.)

- \*School officials with legitimate educational interest.
- \*US comptroller General, US attorney general, and US Department of Education.
- \*State and local officials.
- \*Authorized organizations conducting educational research. \*Accrediting agencies.
- \*Alleged victim of a crime.
- \*Parent of a dependent student as defined by the IRS.
- \*Parent of a student under 21 regarding the violation of a law regarding alcohol or abuse.

### Disclosures to School Officials

The School discloses Educational records without a students prior consent under the FERPA exception for disclosure to school officials with legitimate educational interest.

The school official is a person employed by the institution in the administrative, supervisory, academic our research, our support staff person, a person of company with whom the institution has contracted as its agent to provide a service instead of using institution employees or officials such as an attorney, auditor, or collection agent;) a person serving on The Board of Trustees, or students 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 responsibilities for the institution.

Disclosures may be made to:

\*School officials, including learning leaders, who have legitimate education interest.

\*Officials of another school, where the student receives services or seeks to enroll.

#### Disclosures to government agencies

Disclosures may be made to authorized representatives of the US Department of Education for audit, evaluation, and enforcement purposes. Authorized representatives include employees of the department such as employees at the office of federal student aid, the Office of Postsecondary Education, the office for civil rights, and the national Center for educational statistics as well as firms that are under contract to the Department to perform certain administrative functions or studies.

Disclosures regarding application for or receipt of financial aid may only be made if the student's information is needed to determine the amount of the aid, the conditions for the aid, the student's eligibility for the aid, or to enforce the terms or conditions of the aid.

The school may release personally identifiable information regarding a non-immigrant student classified as "F," "J," or "M" to US Immigration and Customs Enforcement and compliance with the student exchange visitor information system program without violating FERPA.

#### Disclosures in response to subpoenas and court orders

FERPA permit schools to disclose education records, without the student's consent, in order to comply with a lawfully issued subpoena or court order. In most cases, the school must take a reasonable effort to notify the student who is the subject of the subpoena or court order before complying, so that the student make seek protective action. However, the school does not have to notify the student if the court or issuing agency has prohibited such disclosure.

The school may also disclose information from educational records, without the consent or knowledge of the student, to representatives of the US Department of Justice in response to a ex parte order issued in connection with the investigation of crimes of terrorism.

#### Documenting the disclosures of information

Except as noted below, the school must keep a record of each request for access and each disclosure of personally identifiable student information. The record identifies the parties requested the information and their

legitimate interest in the information. This record is maintained in the students file as long as the educational record is kept.

Transcripts will not be issued if the student has an outstanding balance.

#### Filing a complaint

Students have the right to file a complaint with the US Department of Education concerning the alleged failures by the school to comply with the requirements of FERPA. The address of the office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-8520

For additional information call one 800 USA LEARN (1-800-872-5327)