

Family Educational Rights and Privacy Act ([FERPA](#))

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

FERPA and the Dependent Student

Even after a student has become an eligible student at age 18, an educational agency or institution may disclose education records to the student's parents, without the consent of eligible students, if the student is a dependent for Federal income tax purposes. Section 99.31 (a)(8) permits an educational agency or institution to disclose education records, without consent, to either parent if at least one of the parents has claimed the student as a dependent on the parent's most recent tax return.

Institutions must first determine that a parent has claimed the student as a dependent on the parent's Federal income tax return. Institutions can determine that a parent claimed a student as a dependent by asking the parent to submit a copy of the parent's most recent Federal tax return. Institutions can also rely on a student's assertion that he or she is not a dependent unless the parent provides contrary evidence. Under § 99.31(a)(15) written consent is not required, regardless of

dependency status, to disclose to a parent of a student at an institution of postsecondary education information regarding a student's violation of any Federal, State or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under 21 at the time of the disclosure to the parent.

Right to Inspect and Correct Records

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, 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.

Disclosure of Information

Schools must have **written permission** from the parent or eligible student in order to release any information from a student's education record.

However, FERPA allows schools to disclose those records, without consent, to the following parties

or under the following conditions (34 CFR § 99.31):

- School officials with **legitimate** educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies as explained below; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Health and Safety Emergency

Section 99.31(a)(10) provides that an educational agency or institution may disclose personally identifiable information from education records without consent if the disclosure is in connection with a health and safety emergency under the conditions described in § 99.36. Section 99.36 provides and educational institution may disclose personally identifiable information from an educational record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the educational agency or institution determines that there is an articulable and significant threat to the health and safety of a student or other individuals, it may disclose information from the education

records to any person who knowledge of the information is necessary to protect the health and safety of the student or other individuals. The Department of Education will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.

Directory Information

Schools may 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. However, schools must tell students and eligible parents about directory information and allow students and eligible parents a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify students and eligible parents annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a bulletin, student handbook, or newspaper article) is left to the discretion of each school. BC notifies its students in the fall of each year in the student and local newspaper, as well as in the annual printing of the student handbook and in General Academic Information of the College catalog.

Broward College maintains and reserves the right to release the following directory information without the student's consent" (1) name, (2) enrollment status, (3) degrees and awards received, and (4) statistics pertaining to a student's participation in officially recognized sports and activities. If a student does not wish for any directory information to be disclosed, he/she should contact the campus Registration Office.

The College reserves the right to deny access to directory information when such action is deemed necessary to protect the rights of the student.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339.

Or you may contact the Family Policy Compliance Officer at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920