

Brescia University

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 “eligible students” certain rights with respect to their education records. These rights are provided to “eligible students” when he or she reaches the age of 18 or attends a school beyond the high school level.

“Eligible students” at Brescia University are those students who have reached the age of 18 or are attending Brescia University.

In a situation where a student is enrolled in a dual credit course at a high school and at Brescia University, the two schools may exchange information on that student. If the student is under 18, the parents retain the rights under FERPA at the high school and may inspect and review any records sent by Brescia University to the high school.

Access to Education 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.

Eligible students have the right to inspect and review his or her education records maintained by the University. Brescia University must provide an eligible student with an opportunity to inspect and review his or her education records within 45 days following its receipt of request. Requests may be made by completing the **Student Request to Inspect and Review Education Records** form either on the Brescia University website or in the Office of the Registrar. Requests to review conduct records may be made by completing the **Student Request to Inspect and Review Conduct Records** form either on the Brescia University website or in the Dean of Students office. Brescia University is not required to provide copies of records unless, for reasons such as a commuting distance of 50 miles or more, it is impossible for eligible students to review the records.

Amendment of Education Records

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.

Eligible students have the right to request that Brescia University correct records which they believe to be inaccurate or misleading. Requests may be made by completing the **Student Request for Record Correction** form either on the Brescia University website or in the Office of the Registrar. Brescia University is not required to amend education records in accordance with an eligible student's request, but the University is required to consider the request. If the University decides not to amend a record in accordance with an eligible student's request, the University must inform the student of his or her right to a hearing on the matter. If, as a result of the hearing, the University still decides not to amend the record, the eligible student has the right to insert a statement in the record setting forth his or her views. That statement must remain with the contested part of the eligible student's record for as long as the record is maintained.

While the FERPA amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or substantive decision made by the University about an eligible student. FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures from making academic assessments, disciplinary rulings, or placement determinations. Additionally, if FERPA's amendment procedures are not applicable to an eligible student's request for amendment of education records, the University is not required under FERPA to hold a hearing on the matter.

Disclosure of Education Records

Generally, schools must have written permission from the 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; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Under FERPA, Brescia University **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. Brescia University provides eligible students with the option to permit the University to release any information from his or her education record. Eligible students may complete the **FERPA Release** form on the Brescia University website or in the Office of the Registrar, Business Office, or the Office of Financial Aid.

Brescia University follows the Department of Education's Family Policy Compliance Office interpretation of "school official" as: professors; instructors; administrators; health staff; counselors; attorneys; clerical staff; trustees; members of committees and disciplinary boards; and a contractor, volunteer or other party to whom the school has outsourced institutional services or functions. Brescia University also considers a student's athletic coach to be a "school official." A school official generally has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her personal responsibility.

In order for Brescia University to disclose personally identifiable information from an eligible student's education record to another school in which the student seeks or intends to enroll, the student must complete the **Transcript Request** form on the Brescia University website or in the Office of the Registrar.

In regards to financial aid, **FERPA permits** a school to disclose personally identifiable information from education records without consent if the information is necessary for such purposes as to: determine the eligibility for the aid, determine the amount of aid; determine the conditions for aid; and/or enforce the terms and conditions for the aid. With respect to this exception, the term "financial aid" means payment of funds provided to an individual (or payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at the school.

Brescia University **may** disclose personally identifiable information from education records without consent when the disclosure is to the parents of a "dependent student" as that term is defined in Section 152 of the IRS code. Generally if either parent has claimed the student as a dependent on the parent's most recent year's income tax statement, the University may non-consensually disclose the eligible student's education records to both parents.

Brescia University **may** also disclose personally identifiable information from education records, without consent, to appropriate parties, including parents (even if the parents do not claim the student as a dependent) of an eligible student, in connection with a health or safety emergency.

Brescia University **may** disclose personally identifiable information from education records without consent when the disclosure is to the parents of an eligible student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use of alcohol or a controlled substance. The University may non-consensually disclose information under this exception if the school determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under 21 years of age at the time of the disclosure to the parent.

There are several other exceptions to FERPA's prohibition against non-consensual disclosure of personally identifiable information from education records, some of which are briefly mentioned

below. Under certain conditions (specified in the FERPA regulations), a school **may** non-consensually disclose personally identifiable information from education records:

- to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and State and local educational authorities for audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs
- to organizations conducting studies for or on behalf of the school making the disclosure for the purposes of administering predictive tests, administering student aid programs, or improving instruction
- to comply with a judicial order or a lawfully issued subpoena
- 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
- 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.

As stated above, conditions specified in the FERPA regulations at 34 CFR § 99.31 have to be met before a school may non-consensually disclose personally identifiable information from education records in connection with any of the exceptions mentioned above.

Brescia University follows the Department of Education's Family Policy Compliance Office interpretation of "directory" information which is defined as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Brescia University **may** disclose, without consent, "directory" information such as a student's name, address, email address, telephone number, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards, dates of attendance, degrees and awards received, the most previous educational agency or institution attended, grade level or year (such as freshman or junior), and enrollment status (undergraduate or graduate; full-time or part-time). Eligible students may request to withhold directory information. Such requests should be made within the first two weeks of the semester. The **Request to Prevent Disclosure of Directory Information** form may be completed on the Brescia University website or in the Office of the Registrar.

The University must notify eligible students annually of their rights under FERPA. The actual means of notification (special letter, official email communication, student handbook, catalog, etc) is left to the discretion of each school.

For additional information, eligible students may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the [Federal Relay Service](#).

Eligible students may also send correspondence via mail to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520