

## FERPA GUIDELINES



# Family Educational Rights and Privacy Act

**VIRGINIA WESTERN**

WE'LL TAKE YOU **THERE** 



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## What is FERPA?

The Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, is a federal law that was enacted in 1974 to protect the privacy of students and their educational records. The intent of this legislation is to protect the rights of students and to ensure the privacy and accuracy of their educational information. The Act provides for the rights of eligible students and parents to:

- inspect and review their educational records
- request an amendment to records that are believed to be inaccurate
- require the school to obtain written consent prior to disclosure of personally identifiable information, except those items noted herein
- file a complaint with the U.S. Dept. of Education concerning alleged failures by the college to comply with FERPA

“Educational Information/Record” refers to any record maintained by an educational institution that is directly related to a student:

- admissions and enrollment records
- grades
- class rosters and class schedules
- transcripts
- financial aid records
- e-mails to, from or about the student
- student information displayed on a computer screen
- any paper with the student’s SSN or student ID
- files, documents, and materials of any type which contain information directly related to students (which allows a student to be identified)

What is *not* considered an Educational Information/Record:

- sole possession records or private notes held by educational personnel which are not accessible or released to other personnel
- law enforcement or campus security records which are solely for the purposes of law enforcement
- records related to individuals who are employed by the institution
- records related to treatment provided by a physician, psychiatrist, psychologist or other recognized professional
- records of an institution which contain only information about an individual obtained after that person is no longer a student at the institution (i.e., alumni records)

## Who is an “Eligible” Student under FERPA and How are they Protected?

Students become “eligible” and are protected under FERPA when they begin attendance at a higher education institution or have been previously enrolled and have an education record, regardless of age or status in regard to parental dependency. Per VCCS Counsel, an individual is a student if he/she is or has attended a class and their information is in the Student Information System (SIS). FERPA rights continue after the student leaves the college and are only terminated upon the death of the student.

Either a parent or an eligible student—but not both—is entitled to assert rights under FERPA. *Parents of eligible students do not have rights under FERPA* (20 U.S.C. 1232g(d); 34 C.F.R. 99.3).

A student does not need to be enrolled in a program of study to be an eligible student. If a student attends any kind of course or program offered by the college, he/she is then considered an eligible student.

Students who have applied, but not attended the institution, and deceased students are not protected under FERPA guidelines.

## Student's Rights under FERPA

In order to review an educational record, a student or a parent of a dependent student must submit in writing a request to review such record to the Registrar. The request must identify the record(s) he or she wishes to review. If the request is from a parent, the parent must submit documentation indicated that the student is his or her dependent.

The Registrar will respond to the inquiry within a reasonable amount of time, but within the forty-five (45) day requirement prescribed by FERPA, informing of the date, time and place that the record(s) may be viewed. If the record is not housed within the Registrar's Office, the staff will direct the student to the appropriate office in which the record is maintained. Virginia Western is not required to supply copies of records unless there are specific, mitigating circumstances (i.e., great distance from the college) that prevent the student from reviewing the records.

If a student believes their education records contain information that is inaccurate, misleading, or in violation of the student's right to privacy, he or she may contact the Registrar to ask to amend the record. The Registrar of the unit that houses the record, will review the request and respond to the student.

If the student is dissatisfied with the College's decision not to amend the record, the student may contact the Dean of Student Services in writing to request a hearing. The Dean of Student Services will arrange a hearing. The student should bring documentation supporting his/her request for amending the record(s).

Within ten (10) business days of the meeting, the Dean of Student Services will issue the decision of the request. If after the hearing the college does not amend the record, the student may place a statement in the record. This procedure does not replace the Student Grievance Procedure, whereby a student may grieve an administrative decision related to his/her record.

A student may formally request that Virginia Western not release Directory Information on their behalf by submitting a *Student Request for Non-Disclosure of Directory Information* form, found at: <https://www.viriniawestern.edu/forms/index.php> to the Records Office or by changing the privacy settings in the Student Center through their My VWCC account. Once this request has been made, every reasonable effort will be made to safeguard the confidentiality of directory information.

Virginia Western staff will not respond to phone calls from potential employers to verify enrollment for students who have submitted an official request of non-disclosure without the student's written authorization. This request will remain in effect until the student submits a written notice to remove the restriction or they update their My VWCC account.

Students must be notified when the college receives a subpoena or court order requiring disclosure of the educational record before the college complies with the request.

Lastly, students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with FERPA.

## Disclosure of Education Information/Records

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means (oral, written, electronic, etc.) to any party *except* the party that provided or created the record.

Generally, the college must have written permission from a student before releasing information from the student's record.

***The following information cannot be disclosed without the student's written authorization:***



**Note:** The college reserves the right to publish the names of students who receive academic honors.

## Exceptions

There are several exceptions to releasing information without written approval. Some examples are:

- Parents (or Custodial Parents) of a dependent student (defined by the IRS). A parent may obtain their dependent student's records, but must submit proof of the student's dependency (via most recent federal tax form) prior to receiving requested information. This information must be updated yearly for the parent to continue to have access to their dependent student's records;
- specified officials for audit or evaluation purposes;
- appropriate parties in connection with financial aid;
- organizations conducting certain studies for or on behalf of the school;
- to comply with a judicial order or lawfully issued subpoena;
- to comply with the Solomon Amendment;
- appropriate officials in cases of health and safety emergencies;
- the Virginia State Police and in accordance with the Wetterling Act regarding sexual offenders;
- State or local authorities auditing or evaluating federal or state supported education programs or enforcing federal laws which relate to those programs;
- state and local authorities, within a juvenile system, pursuant to specific State law; and
- parents of a student under the age of 21 who violates the college rules and/or federal/state or local laws regarding the use of alcohol or controlled substances.



## Does the Parent or Spouse of a Student Attending College Have Rights under FERPA?

### PARENT RIGHTS

Parents lose their FERPA rights when their dependent student turns 18 *or* starts attending or taking classes in college (or any post-secondary institution), whichever happens first.

Under 20 USC 1232g(d) all rights of parents (including the right to inspect educational records and to consent to the disclosure of personally identifiable information) transfers to the student at the earlier of: 1) the attainment of age 18, or 2) attendance at an “institution of postsecondary education”.

However, as stated in this document, parents of a *financially dependent student*, defined by the Internal Revenue Service (IRS), may obtain their dependent student’s records, after submitting proof of the student’s dependency (via most recent federal tax form). Requested information will not be released prior to the submission of this documentation.

Students can authorize the release of their education information to a parent, spouse, or other third party by completing an *Information Release Form (FERPA)* found at: <https://www.viriniawestern.edu/forms/index.php>.

Faculty and staff need to be very careful when a parent calls and asks for information about a student. If there is not a *Student Information Release* form on file, the parent cannot identify the PIN number assigned by the student, or proof of financial dependency has not been established, disclosure – even to a parent – is unlawful.

Other than the financial dependent exception – which, again, requires documentation – the college **may** disclose non-directory information to a parent in these specific instances:

- Upon the student completing a *Student Information Release* form naming the parent and identifying a PIN number that the parent can identify (Preferred)
- When the student is under the age of 21 and violates college rules regarding the use of alcohol or controlled substances
- In the case of a health or safety emergency, if the knowledge of the information is necessary to protect the health or safety of the student or others

### SPOUSE RIGHTS

Under FERPA, a student’s spouse is considered an “unrelated third party”, and therefore, has no rights under the Act. The college cannot disclose a student’s educational information to a spouse without written consent, even if the spouse is supporting the student.

Students can authorize the release of their education information to a parent, spouse, or other third party by completing an *Information Release Form (FERPA)* found at: <https://www.viriniawestern.edu/forms/index.php>

## Letter of Recommendation for a Student

Faculty and staff are frequently asked to write a letter of recommendation on behalf of a student. It is important to remember that a letter of recommendation is still a request to release educational data.

The student is required to complete an *Information Release Form (FERPA)* found at: <https://www.viriniawestern.edu/forms/index.php> naming the faculty or staff member they are granting permission to write a recommendation. If the letter contains non-directory information, a *Student Information Release* form must be completed for recommendations sent to other educational institutions to which the student seeks to enroll, including professional school admission services.

The student **must** complete a *Student Information Release* form giving specific consent to the disclosure of the student's educational record when the recommendation is sent to an employer or an individual. The release needs to be dated and signed and must describe the records/information requested, the purpose for the release, to whom the records can be given, and how long the release is effective.

## How Does a Student Authorize Release of their Educational Record?

Students must authorize the release of their educational information/record by completing an *Information Release Form (FERPA)* found at: <https://www.viriniawestern.edu/forms/index.php>, identifying a PIN number and third parties to whom information should be released. Third parties will need to identify the PIN number that the student identifies before information can be released.

If a student is in need of an unofficial transcript of their records, and has attended Virginia Western within the last three years, they may log into their MyVWCC account and download/print an unofficial copy of their transcript.

Current students may log into their MyVWCC account to request an official transcript of their records. Students may also complete, sign, and submit an *Academic Transcript Request* form found at: <https://www.viriniawestern.edu/forms/index.php>

## Solomon Amendment

Effective October 23, 1998, all Colleges and Universities are required to comply with the final regulations of the Solomon Amendment. Failure to comply may result in the loss of federal funding including various forms of federal student aid.

### Definition – Student Recruitment Information

1. Name
  2. Address (local, permanent)
  3. Telephone number (local, permanent)
  4. Age
  5. Major
  6. Class Level (e.g. First-Year, Sophomore)
  7. Degree awarded
- Information released is limited to the current semester or the previous semester. If the request is received between semesters, the requestor must specify previous semester or upcoming semester.
  - Students must be enrolled.
  - If a student requests that their directory information be withheld under FERPA, this protection will be honored under Solomon; the student's records will not be released.
  - Sub-population definition under Solomon is limited to the data elements included in the definition of "Student Recruitment Information." Sub-population definitions according to veteran status, academic performance, ethnicity, nationality, and gender are specifically excluded under Solomon.

Information released is limited to military recruiting purposes only. The request for information must be in writing on letterhead that clearly identifies the military organization. Military recruiters must be from one of the following military organizations:

Air Force  
Air Force Reserve  
Air Force National Guard  
Army  
Army National Guard  
Army Reserve  
Coast Guard  
Coast Guard Reserve  
Navy  
Navy Reserve  
Marine Corps  
Marine Corps Reserve

Military Recruiters are to submit their Solomon requests to: Office of the Registrar, 3094 Colonial Ave., Roanoke, VA 24015

If you have any questions or concerns regarding these guidelines, please feel free to direct your questions (or requests for information) to:

**VWCC Records Office**  
**3094 Colonial Ave., SW**  
**Chapman Hall, Room 107**  
**Roanoke, Virginia 24015-4704**  
**email: [records@viriniawestern.edu](mailto:records@viriniawestern.edu)**  
**Phone: 855-874-6690**  
**Fax: 540-857-6102**

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U. S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920  
1-800-USA-LEARN (1-800-872-5327)  
<http://www.ed.gov/policy/gen/guid/ferpa/index.html>  
<http://www2.ed.gov/policy/gen/guid/fpc/index.html>

VWCC Records Office  
February 2019