

Student Rights under FERPA

The Family Educational Rights and Privacy Act of 1974

Annual Notification

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.)

Whose records does FERPA rights apply?

FERPA rights belong to the student at a postsecondary institution regardless of age. In attendance can be defined by the institution, but it cannot be later than the day the student first attends a class at the institution. In attendance is defined by CHSU as the day the student first attends a class at CHSU.

Who must comply with FERPA?

Any educational institution (school or other entity that provides educational services and is attended by students) that receive funds administered by the U.S. Secretary of Education. This funding can either be direct grants to the institution or to students attending the institution (financial aid).

What FERPA rights are given to students?

1. Right to inspect and review their education records.
2. Right to request to amend their education records.
3. Right to provide written consent before California Health Sciences University discloses personally identifiable information (PII) from the student's education records.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by California Health Sciences University to comply with the requirements of FERPA.

What are education records under FERPA?

Education records are defined as records that are:

- Directly related to a student, and
- Maintained by an educational agency or institution or by a party acting for the agency or institution, if certain conditions are met.

Education records are not: sole possession records, law enforcement records, employment records, medical records, or post-attendance records.

What is Directory Information?

Directory Information is defined as that information contained in an education record of the student that generally would not be considered harmful or an invasion of privacy.

The following information is designated by California Health Sciences University as “Directory Information” and may be released to the public:

- student’s name
- telephone listing
- student classification
- school email address
- photo
- enrollment status
- address
- field of study
- dates of attendance
- degrees received
- honors/awards received
- recent institution attended

The Right to Opt-Out of the Disclosure of Directory Information

It is the right of a currently enrolled student to request that his/her “directory information” not be released by CHSU. Absent such a request, the University, at its discretion and without the written consent of the student, may release “directory information,” which is determined by FERPA, and in accordance with University policies and procedures. A student request for non-disclosure of some or all directory information must be filed with the Office of the Registrar. The University will honor all requests to withhold any of the categories of directory information listed in the written request but will not assume any responsibility to contact the student for subsequent permission to release that information. Nondisclosure will be in effect until the student authorizes to release the restriction.

To whom, and under what conditions, can institutions disclose personally identifiable information?

- Anyone, if the institution has obtained a prior written consent from the student.
- Anyone, in response to requests for directory information (information that is generally not considered harmful or an invasion of privacy if disclosed).
- Institutions must identify those items it considers directory information and notify students.
- Institutions must inform students that they can withhold release of this information.
- Authorized representatives of the following government entities, if the disclosure is in connection with an 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:
 - Comptroller General of the U.S.
 - Secretary of Education
 - U.S. Attorney General (for law enforcement purposes only)
 - State and local educational authorities

- School officials determined by the institution to have a legitimate educational interest.
- Schools in which the student seeks or intends to enroll (additional conditions exist).
- A party, such as the Department of Veteran’s Affair or an employer, providing financial aid to the student (“financial aid” does not include any payments made by parents); (additional conditions exist).
- Organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- Accrediting organizations for accreditation purposes.
- Parents of a dependent student (as defined by the IRS code).
- Parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.
- To comply with a judicial order or lawfully issued subpoena, including *ex parte* orders under the USA Patriot Act.
- Appropriate officials in connection with a health or safety emergency.
- The student.
- An alleged victim of a crime of violence when the disclosure is the results of a disciplinary hearing regarding alleged perpetrator of that crime with respect to that crime.
- Anyone requesting the final results of a disciplinary hearing against an alleged perpetrator who has been found in violation of the campus code relating to a crime of violence or non-forcible sex offense.
- Military recruiters who request “Student Recruiting Information” for recruiting purposes only (Solomon Amendment). Student recruiting information is name, address, telephone listing, age (or year of birth), class level, major, degrees received and most recent educational institution of enrollment. (conditions exist).
- The Internal Revenue Service (IRS), for purposes of complying with the Taxpayer Relief Act of 1997.
- Department of Homeland Security and Immigration and Custom Enforcement for purpose of complying with Request Form ICE relative to the institution’s participation in SEVIS.
- Anyone, when the disclosure concerns information provided by sex offenders required to register under state or federal law.

How does technology impact FERPA guidelines?

As we move toward an environment with less paper, it is important to note that the same principles of access and confidentiality must be applied to all media, including but not limited to, electronic data, email, and video or audio tapes.

What happens if an institution does not comply with FERPA?

The Department of Education may issue a notice to cease the non-compliance and could ultimately withhold funds administered by the Secretary of Education.

Where can I get more information regarding FERPA?

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 20202-5901
Phone (202) 260-3887
Fax: (202) 260-9001
Email: ferpa@ed.gov
Web: www.ed.gov/policy/gen/guid/fpco/