

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA Notice

The College annually publishes a notice of student rights under the Family Educational Rights and Privacy Act (FERPA) of 1974. Students who do not receive this notice may contact the Dean of Student Services.

Notice of Availability of Institutional Information

The College annually distributes a notice of the availability of information required to be disclosed to students under FERPA and the Higher Education Act of 1965 (HEA), as amended by the Higher Education Opportunity Act of 2008 (HEOA). The notice lists and briefly describes the disclosures and how to obtain the information. A paper copy may be obtained from the Dean of Student Services upon request.

Privacy and Access to Student Records

FERPA is a federal law that protects the privacy of student educational records. It regulates maintenance and dissemination of student records at institutions that receive federal funds. In the context of higher education, FERPA gives every current student or former student who is attending any school beyond the high school level personal access and privacy rights with respect to their educational records. For more information, see "Protecting the Privacy of Student Educational Records"

www.nces.ed.gov/pubs97/web/97859.asp. Students have the right to:

1. Examine and review their educational records.
2. Challenge the contents of their records if they believe the information is inaccurate, misleading, or violates their right to privacy.
3. Limit the disclosure of information from their records.
4. File a complaint with the Department of Education concerning FERPA

non-compliance.

Exceptions exist in FERPA law that allows the release of student educational records without prior consent to the following:

1. To school officials with legitimate educational interest (see below).
2. To schools in which the student seeks or intends to enroll.
3. To federal, state, and local authorities involving an audit or evaluation of compliance with education programs.
4. In connection with financial aid.
5. To organizations conducting studies of or on behalf of educational institutions (provided the institution's research board has cleared the research).
6. To accrediting agencies.
7. To parents of dependent students (as verified by the most recent tax form).

Although FERPA allows release of educational records to parents, the College policy is to release information to parents only if the student has signed a

release. See KBOCC FERPA Policies below.

8. To comply with a judicial order or subpoena.
9. In health or safety emergencies.
10. As directory information.
11. To the student:
 - Results of disciplinary hearings.
 - Results of disciplinary hearing to an alleged victim of a crime of violence.
 - Final results of a disciplinary hearing concerning a student who is an alleged perpetrator of a crime of violence and who is found to have committed a violation of the institution's rules or policies.

KBOCC Policies Regarding Release of Information

Due to FERPA regulations, KBOCC policy requires a student to sign a release of information to allow his or her parent(s) to access the student's educational records, even if the student is a dependent per tax records. Policy also requires a student to sign a release of any information to his or her employer.

Legitimate Educational Interest

A school official is a person employed by KBOCC in an administrative, supervisory, academic, research, or support staff position; or a person or company with whom KBOCC has contracted as its agent to provide a service, such as an attorney, auditor, or Tribal or federal agency. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibilities for the College.

Records that KBOCC may retain on a student and are protected under FERPA include:

- academic records
- advising files
- student services files (may include academic warnings, corrective actions, disciplinary records, readmission requests to Faculty Council, transfer assistance internship information, tutoring, etc.)
- request for reasonable accommodations files for students with disabilities

Directory Information

Under FERPA, KBOCC may, at its discretion, release student data considered "directory information," which includes the following: name, enrollment status, address, telephone number, age, class, major, dates of attendance, degree and awards conferred, and most recent educational institution attended.

Students may indicate their preference regarding the disclosure of "directory information" on the admissions application. At any point during their enrollment, students may elect to withhold "directory information" by filling out the Request to Withhold Directory Information form located in the Dean of Student Services office or

Enrollment office. The College will honor students' requests to withhold "directory information" until they inform the College in writing to rescind the requests. Please note that electing to withhold "directory information" will prohibit the College from publicly announcing the student's semesterly or annual academic achievements.

Personally Identifiable Information

Personally identifiable information is any information—directory and non-directory information—easily traced to the student, and may include name, name of parents or family members, address, Social Security Number, a list of personal characteristics, or any other information that clearly distinguishes the student's identity.

Personally Identifiable Information (PII) may be released only on a minimum necessary basis and only to those individuals who are authorized to use such information as part of their official College duties, subject to the following requirements:

- 1) The PII released is narrowly tailored to a specific requirement;
- 2) The information is kept secure and used only for the specific official College purposes for which authorization was obtained; and
- 3) The PII is not further disclosed or provided to others without proper authorization as defined above.

The College may release or publish personally identifiable information on students who participate in a KBOCC officially recognized event. Students may restrict release of this information if they wish at the time of admission, and the data will not be released by the College except as authorized by law.

Student Right to Request and Revise Records: Students can request to review their educational records. The request must be made in writing to the Dean of Student Services office. The Dean has 15 working days to obtain the requested records for the student's review.

A student can also request to have a record amended that he or she believes is inaccurate or misleading. The student is required to send the request, in writing, to the College official in charge of said record.

The request must clearly indicate the portion of the record the student wants changed and an explanation of why it is inaccurate or misleading. The official in charge of the record has 15 working days to respond to the student's request.

If the request to amend the record is denied, the student has a right to request a hearing to challenge this decision per FERPA regulations. This hearing, comprised of an ad hoc committee, will commence within 15 working days of the request, unless the student requests additional time. If it is still determined that the request to amend the record is denied, the student has the right to submit his or her own statement about disagreement with the record or decision which will remain part of the student's record for as long as the disputed record is kept. Any release of the disputed record will include

the student's statement as part of that record.

FERPA Complaints: Students have the right to file FERPA non-compliance complaints with the U.S. Department of Education. The contact information for this office is:

Family Policy Compliance Office

U.S. Department of Education 400 Maryland Ave. SW

Washington, D.C. 20202-5920