

Polk State College Procedure

Subject	Reference	Date	Number
FERPA	Rule 4.09	4/5/2016	5003

I. Definitions

For the purpose of this procedure, the following definitions are used:

- A. **FERPA** stands for the *Family Educational Rights and Privacy Act*, also known as *The Buckley Amendment*. It was passed by Congress in 1974 and is enforced by the Family Policy Compliance Office of the U.S. Department of Education.
- B. **Eligible student** is defined as any matriculated individual who is currently attending, or who formerly attended, Polk State College. Applicants, whether admitted or not, or those who refuse admission once granted are considered eligible students under this definition.
- C. **Matriculation** occurs when an individual is registered for classes in a term beyond the Drop deadline, and therefore, has a transcript record at Polk State College.
- D. **Education records** are defined as those records pertaining to the permanent academic records of the student, as well as testing data, disciplinary records, and financial information pertaining to the student. These records can be in any medium, such as handwritten, print, tapes, film, or electronic. This category also covers all records maintained officially by the College that do not come under the categories of **Directory Information** and **Sole Possession Records** (see below), certain law enforcement records, non-student-related (The Federal Student Work-Study Program) employment records, alumni information, and certain treatment records. Polk State College does not allow students to access parental financial or tax records.
- E. **Directory Information** may include such information as the student's name, address, telephone number, and other similar information, as defined by the institution in accordance with Florida State Statute and FERPA Public Law 20 U.S.C. § 1232g; 34 CFR Part 99, which would not generally be considered harmful to the student or an invasion of privacy if disclosed.

- F. ***Sole Possession Records*** refers to records from instructional, supervisory, administrative, and certain educational personnel that are not accessible to or revealed to any other individual except a substitute. This substitute performs the duties of the individual who made the records on a temporary basis.
- G. ***The Registrar*** indicates the College Registrar or the Registrar's designee.

II. **Student Rights under FERPA**

Annually, Polk State College shall inform currently attending students of their rights under the *Family Educational Rights and Privacy Act* (FERPA), and the regulations relating to FERPA Public Law 20 U.S.C. § 1232g; 34 CFR Part 99, promulgated by the Department of Education and Florida Statute FS1002.22, *Education records and reports of K-12 students; rights of parents and students; notification; penalty*. These rights include the following:

- A. Each student has a right to inspect and review his or her education records by contacting the College Registrar's Office. The inspection shall be scheduled within forty-five days of receipt of the student's request.
- B. A student may request that such records be amended; he or she has the right to a hearing to challenge the content of such records if he or she believes those records to be inaccurate, misleading, or otherwise in violation of his or her privacy rights. This is done by following the College's procedures to request a change in records. Procedures vary depending on the type of change requested. The Registrar shall inform the student of the procedure to follow when a change request is made.
- C. A student has the right to consent (in writing) to disclosures of non-directory information from his or her records, except to the extent that disclosure without consent is authorized by law. The College shall obtain the student's written consent prior to disclosing personally identifiable information about the student from his or her education records (unless such consent is not required by FERPA).
- D. A student has a right to file a complaint with the Family Policy and Regulations Office of the Department of Education if he or she feels the College has failed to comply with the requirements of FERPA and the FERPA regulations.
- E. A student has the right to opt out of disclosure options or refuse disclosure of directory information.

Students shall be notified of their FERPA rights annually in the Polk State College publication titled *Polk State College Catalog/Handbook*, found on the Polk State College website.

III. Notice Designating Directory Information

Pursuant to FERPA regulations (20 U.S.C. § 1232g; 34 CFR Part 99) and Florida Statute Chapter 1002, Polk State College hereby designates the following categories of student information as directory information, which for College purposes, may be made public unless the information is in an exempt category as defined by Florida State Statute 119.071 (4(d)1), *General exemptions from inspections or copying of public records*. The following information is considered directory information:

- Student's name
- Student's primary address
- Dates and status of college enrollment
- Student's hometown
- Student's classification (freshman, sophomore, etc.)
- Previous institutions attended
- Photos of the student
- Student's program objective(s)
- Awards received
- Honors received
- Degree(s) conferred (including dates and any graduation honors)
- Past and present participation in officially recognized sports and activities
- Physical factors of athletes

Such information may be disclosed at the discretion of the College for any legitimate purpose, except as provided below:

Students may opt out of disclosure of this information. To do so, a student must complete, sign, and submit to the Office of the College Registrar a *FERPA Non-Disclosure Request Form*. Students who qualify as exempt from disclosure of directory information by Florida State Statute 119.071 (4(d)1) are required to notify the Registrar's Office by completing, signing, and submitting the *FERPA Non-Disclosure Request Form*. The request may be made at anytime and shall remain in effect unless and until the student submits to the Office of the College Registrar a request for it to be removed, or the student is deceased.

If the student does not complete and submit the appropriate form requesting the withholding of directory information, the College shall assume that he or she consents to the disclosure of such information.

The College disclaims any and all liability for inadvertent disclosure of directory information designated to be withheld.

IV. Disclosure of Education Records

The Polk State College Registrar's Office shall disclose information from a student's education record only with the written consent of the student or a court order, or it may release information to entities granted rights as outlined in this policy. Student's consent includes consent on the student application to shared student educational records for the purpose of reverse transfer. The most common requests are:

- A. **Official transcripts:** A student who wishes to have an official Polk State College transcript of his or her academic work sent to others must submit a signed and dated request to the Registrar's Office or use the College's designated online ordering vendor to formally place this request.
- B. **Letters of Certification:** A student who wishes to have letters of verification of enrollment and/or grade point average (GPA) sent to others must submit a signed and dated request to the Registrar's Office or use the College's designated online ordering vendor to formally place this request.

The Registrar shall send the requested documents to the party designated by the student.

V. Exceptions to Student Consent for Disclosure

Generally, the College must have written permission from the student before releasing any information from a student's record; however, FERPA allows schools to disclose records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- **To other colleges or universities to which a student is transferring:** Upon request from other colleges and universities, the Polk State College policy is to forward official student transcripts or other education records for transfer purposes to these institutions without requiring notification to the student or requiring the student's written permission.
- **To authorized representatives:** Any entity or individual designated by the comptroller general of the United States, the attorney general of the United States, the secretary of education, or a state or local educational authority for the purpose of performing an audit or evaluation, or for any compliance or

enforcement activity in connection with federal legal requirements that relate to federal- or state-supported education programs.

- **To high schools:** Polk State College will exchange education records for the purposes of benefiting students' educational opportunities, career planning, or supporting student success in the College's or the high school's courses or programs.
- **In compliance of a judicial order or subpoena:** After making a reasonable effort to notify the student in advance, information is provided (unless notification is prohibited by the order).
- **In a health or safety emergency:** Information is provided if knowledge is necessary to protect the health or safety of the student or others.
- **For federal and state educational, audit/compliance, or accreditation agencies.**
- **To financial aid entities:** Information is provided for determination of eligibility, amount, or conditions of financial aid, or to allow for the enforcement of terms and conditions of the aid.
- **To organizations conducting certain studies for the school or on behalf of the school.**
- **To accrediting organizations.**
- **To school officials who have a legitimate educational interest in the records.** For these purposes, "legitimate educational interest" shall mean an *educationally related* purpose that has a directly identifiable educational relationship to the student involved and underlies the request, or an *educationally related* purpose that the College deems important in the protection of its operations and services to any of its constituents. More particularly, the following criteria shall be taken into account in determining the legitimacy of a College official's access to student records:
 1. The official must seek the information within the context of the responsibilities that he or she has been assigned.
 2. The information sought must be used within the context of official College business and not for purposes extraneous to the official's area of responsibility or that of the College.
 3. The information requested must be relevant and necessary to the accomplishment of some task; to the provision of information relevant to

some determination within the scope of College employment, such as ability to perform in a certain course; to make a determination of admission to certain programs or clubs at the College; to establish that requisites are met for a particular course; or for other such purposes.

4. Original records may not be removed from the Registrar's Office; only copies of necessary pertinent information shall be provided. The sole purpose of this policy is to safeguard and protect privacy. The document copies must be properly disposed of after completion of the task by the school official to whom they have been entrusted.

Disclosure of records to a school official who has a legitimate educational interest does not constitute authorization to transmit, share, or disclose any information received to a third party. An unauthorized disclosure of personally identifiable information from the education record of the student is prohibited by this rule, FERPA, and state laws and regulations. Penalties may apply.

VI. Conditions for Disclosure without Consent

As required by law, Polk State College shall maintain a record of all requests for disclosure (without consent) of information from a student's educational record. This record shall indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party has in requesting or obtaining the information.

The College is not required to maintain records of disclosures for the following, as per FERPA:

- Directory information
- Persons having consent
- School officials
- Judicial order of subpoena prohibiting notification to the student
- Inter-institutional disclosures

VII. Procedure to Inspect Education Records

The College has established a procedure enabling the student to have access to his or her education record and has provided a means for the following actions:

- A. The student may make arrangements to inspect and review his or her record by providing a written request to the Registrar, either in person or via U.S. mail.

- B. Access to a student's records shall be granted within a reasonable time, but no later than forty-five days from the date of request.
- C. The student may request and receive interpretation of his or her record from the Registrar.
- D. When a record contains information about more than one student, a student may inspect and review only the portion of the records that relate to him or to her.

VIII. Exceptions to Permitted Inspection

Access is not permitted to some records under certain conditions:

- A. Records containing information about more than one student whereby the privacy of others would be violated (for example, class rosters containing other students' social security numbers and other personally identifiable information) shall not be made accessible.
- B. Although FERPA does not allow or deny access to the financial statements of students' parents, the College does not allow a student access to the financial and tax information of the student's parents.
- C. The College does not permit a student to access letters and statements of recommendation for which the student has waived his or her right of access.
- D. Students are not provided access to records connected with an application to attend Polk State College or a component unit of the College if that application was denied (for example, limited-entry programs).

IX. Excluded Records

The following records are excluded from the FERPA definition of education records:

- A. Sole possession personal records of instructional, supervisory, and administrative personnel are not accessible or revealed to any other person except those acting as a substitute of the person who created these records.
- B. An employment record of an individual that is not contingent on his or her being a student at the College.
- C. Treatment records created by a healthcare professional used only for the medical/ health treatment of the student. (If the record was used to assess the

- individual's academic ability or needs, it becomes an education record.)
- D. Records maintained by the College Security Office for security enforcement purposes.
 - E. Alumni records for students.

X. When Services may be Denied

The College reserves the right to deny transcripts, letters of certification, and information about graduation credentials in the following situations:

- A. Where there is an unpaid financial obligation to Polk State College.
- B. Where there is an unresolved disciplinary action against the student.
- C. Where there is an unresolved academic obligation to Polk State College (for example, a missing high school transcript).

XI. Correction of Education Records

A student has the right to ask to have his or her record corrected if he or she believes it is inaccurate, misleading, or in violation of privacy rights.

- A. The student has the right to a hearing to challenge the content of the student's education record on the grounds that the information is inaccurate, misleading, or in violation of privacy rights. The student may ask the Registrar to amend the record. The student shall be afforded an informal hearing with the Registrar and the party or parties who authorized the record segment in question. The record shall be corrected if it is judged to be faulty, misleading, or in violation of privacy.
- B. If unresolved, the student may request a formal hearing by completing a petition request with an advisor. The advisor shall assist the student in submitting a completed petition. The Petition Committee shall decide the outcome of the matter.
- C. The Petition Committee hearing shall be held within a reasonable time period (at the next regularly scheduled Petition Committee meeting).
- D. The Petition Committee decision shall be recorded in writing within a reasonable time and shall be final. If required, the record shall be changed or retained by the Registrar as recommended.
- E. If the College determines that the information shall not be amended, the student has the right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, SW,

Washington, DC 20202-4605. Petition documents shall be maintained as long as the student's contested portion of the education record is maintained.

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Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
<i>Eileen Nolder</i>			<i>4/5/2016</i>
President's Approval			Date