

## FERPA

The institution will annually distribute to all enrolled students information about:

- The right to review their education records, to request amendment of records, to consent to disclosures of personally identifiable information and to file complaints with the Department of Education.
- Procedures for reviewing education records and requesting amendment of the records.
- Information about the institution's policy regarding disclosures to school officials with a legitimate educational interest in the education records.

### **What is FERPA?**

The Family Rights and Privacy Act of 1974, as amended, (commonly known as the Buckley Amendment) is a federal law which provides that schools will maintain the confidentiality of student education records. The law basically says that no one outside the institution shall have access to students' education records nor will the institution disclose any information from those records without the written consent of students. There are exceptions, of course, so that certain personnel within the institution may see the records, including persons in an emergency to protect the health or safety of students or other persons.

### **Privacy of Student Records – Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) sets limit on the disclosure of **Personally Identifiable Information** (PII), from school records and defines the rights of the student to review the records and request a change to the records.

With exceptions such as those noted in this section, FERPA generally gives postsecondary students the right to:

- review their education records,
- seek to amend inaccurate information in their records, and
- provide consent for the disclosure of their records.

These rules apply to all student education records the school keeps, including admissions records (only if the student was admitted) and academic records, as well as any financial aid records pertaining to the student.

In compliance with **FERPA**, the following statement reflects Bella Cosmetology College's policy:

*The following directory information may be released by telephone: a) student's dates of attendance; b) date of graduation and degree or certificate earned. Other kinds of directory information, such as a student's address, telephone listing, program of study, awards received, and the most recent previous education agency or previous institution attended, will be released only in response to a written request. Bella Cosmetology*

*College reserves the right to refuse the above information if the reason for the request is not considered to be a sufficient need to know. Information regarding the student's record: grades, courses, GPA, social security number and other personal information will not be released without the student's written consent.*

However, the Act states that each student has the right to inform Bella Cosmetology College that any or all of the information is not to be released. No information will be released without the written consent of the student. This status is binding until such time that Bella Cosmetology College is notified in writing by the student to permit release of "directory information".

### **Students' & Parents' Rights to Review Educational Records**

A school must provide a student with an opportunity to review his or her education records within 45 days of the receipt of a written request. A school is required to provide the student with copies of education records or make other arrangements to provide the student access to the records if a failure to do so would effectively prevent the student from obtaining access to the records.

### **Student Record Fees for Copies**

While the school may not charge a fee for retrieving the records, it may charge a reasonable fee for providing copies of the records, if the fee would not prevent access to the records.

### **Student Parent Right**

While the rights under FERPA have transferred from a student's parents to the student when the student attends a postsecondary institution, FERPA does permit a school to disclose a student's education records to his or her parents if the student is a dependent student under IRS rules. However, the Institution must establish that the student's parents do meet the requirements as outlined by the IRS rules.

### **IRS Definition of a Dependent Student**

Note that the IRS definition of a dependent is quite different from that of a dependent student for FSA purposes. For IRS purposes, students are dependent if they are listed as dependents on their parent's income tax returns. (If the student is a dependent as defined by the IRS, disclosure may be made to either parent, regardless of which parent claims the student as a dependent.)

### **Prior written consent to disclose the student's records**

Except, under one of the special conditions described in this section, a student must provide written consent before an education agency or school may disclose PII from the student's education records.

### **Written Consent**

#### **Written consent must:**

- Éstate the purpose of the disclosure
- Éspecify the records that may be disclosed

Identify the party or class of parties to whom the disclosure may be made, and  
Be signed and dated

**If the consent is given electronically, the consent form must:**

- identify and authenticate a particular person as the source of the electronic consent, and
- indicate that person's approval of the information contained in the electronic consent.

## **FERPA Exceptions**

The FERPA regulations include a list of exceptions where the school may disclose PII from the student's file without prior written consent.

## **Disclosures to School Officials**

Some of these disclosures may be made to officials at your school or another school who have a legitimate interest in the student's records (transfer student). Typically, these might be admissions records, grades, or financial aid records. Disclosure may be made to:

- School officials, including teachers, within the school whom the school has determined to have legitimate educational interests.
- Officials of another postsecondary school or school system where the student receives services or seeks to enroll (transfer student).
- Third-party servicers that our school has contracted with who perform a Title IV, HEA function are considered school officials under FERPA. A school official may disclose personal information from your student education records to a servicer.

## **Disclosures to Government Agencies**

Disclosures may be made to authorized representatives of the U.S. Department of Education for audit, evaluation, and enforcement purposes. **"Authorized representatives"** includes employees of the Department:

- Employees of the Office of Federal Student Aid, the Office of Postsecondary Education,
- Office for Civil Rights, and
- National Center for Education Statistics, as well as firms that are under contract to the Department to perform certain administrative functions or studies.

In addition, disclosure may be made if it is in connection with financial aid that the student has received or applied for during the enrollment at Bella Cosmetology College . Such a disclosure may only be made if the student information is needed to determine the amount of the aid, the conditions for the aid, or the student's eligibility for the aid, or to enforce the terms or conditions of the aid.

## **Release of Personally Identifiable Information**

A school may release PII on an F, J, or M nonimmigrant student to U.S. Immigration and Customs Enforcement (formerly the Immigration and Naturalization Service) in compliance with the Student Exchange Visitor Information System (SEVIS) program without violating FERPA.

### **FERPA Student Complaint**

The right to file a complaint with the U.S. Department of Education concerning alleged failures by Bella Cosmetology College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
6000 Independence Avenue, SW  
Washington, DC 20202-4605