

Privacy and Release of Student Education Records (FERPA)

What is FERPA?

FERPA (Family Educational Rights and Privacy Act) was enacted in 1974. It is a set of regulations that applies to those institutions, such as Dawson Community College, that receive funding from the Department of Education.

FERPA was written specifically for students and guarantees them the right to inspect and review their education records, the right to seek to amend education records, and the right to have some control over the disclosure of information from those education records.

Resources for Students

Notification Regarding Release of Student Directory Information

The Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. "Education records" are "those records, files documents, and other materials which 1) contain information directly related to a student; and 2) are maintained by an educational institution. (20 U.S.C. § 1232g(a)(4)(A); 34 CFR § 99.3). FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Generally speaking, FERPA allows DCC to disclose education records or personally identifiable information from education records in the following circumstances: with the written consent of the student, if the disclosure meets one of the statutory exemptions, or if the disclosure is directory information and the student has not placed a hold on release of directory information.

Dawson Community College defines the following information as public (directory) information:

- Student's name
- Street address
- Email address (campus email)
- Telephone number
- Dates of attendance
- Full-time/Part-time status
- Degrees and awards received
- Major field(s) of studies
- Class
- Participation in officially recognized activities and sports
- Most recent previous educational agency or institution attended by the student
- Weight and height, if student is a member of an intercollegiate athletic team
- Student photography and video images

FERPA allows DCC to release a student's directory information to anyone unless the student informs the DCC Registrar that he or she does not wish directory information to be released.

NO to Release of Directory Information

If you do not wish to authorize the release of directory information, you must inform the Registrar of this by completing a DCC Confidentiality Request form, which can be obtained from the Registrar's Office. You should allow at least three business days for processing.

You should be aware ...

You should be aware that restricting the release of your directory information has other consequences. For instance, a FERPA restriction makes it difficult or impossible for potential employers to verify your enrollment, or to verify the fact that you have earned a degree from DCC. DCC cannot notify your home town paper about awards and honors you receive (e.g., Dean's list). For this reason alone, many students choose to remove their FERPA restriction.

Change from NO to YES

At any time after restricting the release of your directory information, you may change your mind and choose to authorize DCC to release directory information. You can grant such authorization at any time by going to the Registrar's Office with a valid photo identification.

Notification of Students' Rights Under FERPA

FERPA also affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day DCC receives a request for access.

To inspect and review his or her education records, a student should submit to DCC official(s) or office(s) having custody of the particular record(s), a written request that identifies the record(s) the student wishes to inspect.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. (*This process cannot be used to challenge a grade.*)

A student who wishes to ask DCC to amend a record should write the appropriate DCC administrator or director responsible for custody of the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If DCC decides not to amend the record as requested, DCC will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before DCC discloses personally identifiable information from the student's education records, except that DCC will disclose the following information without a student's consent:

Disclosure to school officials with legitimate educational interests. A school official is a person employed by DCC in an administrative, supervisory, academic, research, or support staff position; a contractor, consultant, or other outside service provider retained to provide various institutional services and functions under contract or by statute instead of using DCC employees or officials (including, but not limited to an attorney, auditor, collection agent, information systems specialist, teaching affiliate, and clinical mentor); a person serving on the Board of Regents, staff in the Office of the Commission of Higher Education, the Institutional Review Board, and any other DCC board, committee or

council; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for DCC.

4. Compliance with a lawfully issued subpoena or judicial order.
5. Requests in connection with a student's application for financial aid.
6. Information submitted to accrediting organizations.
7. To other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
8. Requests by federal and state authorities and authorized third parties designated by federal and state authorities to evaluate a federal or state supported education program; to researchers performing certain types of studies; in connection with statewide longitudinal data systems studies and tracking.
9. In the case of emergencies, DCC may release information to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
10. To the extent otherwise permitted by law, the results of a disciplinary proceeding or investigation conducted by DCC to an alleged victim of a crime.
11. The right to file a complaint with the U.S. Department of Education concerning alleged failures by DCC 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
400 Maryland Avenue, SW
Washington, DC 20202-5901

Additional Resources

For more information on FERPA, please see the following links:

1. Family Policy Compliance Office – <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
2. FERPA 20 USC 1232(g) – http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+20USC1232g
3. 34 CFR Part 99 – http://www.access.gpo.gov/nara/cfr/waisidx_07/34cfr99_07.html
4. Montana Code Annotated – MCA Title 20, Chapter 25, Part 5

Registrar Hours

Monday - Friday

8am - 4pm

Registrar

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