

# POLICY 3.06: FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974

## Policy

The Family Educational Rights to Privacy Act of 1974 (Public Law 93-380), “known as FERPA of the Buckley Amendment” governs the privacy of educational records. Under FERPA, rights of confidentiality transfer to the student when they become eighteen (18) years of age, or upon their first day of attendance in post-secondary education classes, whichever comes first. Once a student assumes confidentiality rights, academic records, billing, and financial records can be seen by a student, and College personnel are allowed to discuss such matters *only* with the student. Information can be released to someone other than the student by signing a FERPA waiver. The FERPA waiver provides the College with written authorization from the student, indicating the individuals they are giving permission to access their academic records.

Student educational records include:

- Academic records (maintained by the office of the Dean)
- Financial aid records (maintained by the Director of Financial Aid)
- Billing records (maintained by the Business Office)
- Tactical records (maintained by the Commandant’s Office)

Students and parents are advised that VFMC has a written policy governing its record keeping procedures on file with the Office of the Dean. Students can seek correction of the information contained in students records and seek to limit disclosure of information of the records, in accordance with FERPA requirements. Furthermore, eligible students have the right to file complaints with the US Department of Education concerning alleged failure by VFMC to comply with FERPA requirements.

Authorization to discuss billing and financial aid information must be addressed by the student to the Business Office and the Financial Aid Office.

## Procedure

FERPA Annual Notification Statement – The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. The following notification statement is made available to students enrolled in Valley Forge Military College (VFMC) to apprise them of their rights concerning access and review of the education records maintained at the college. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the VFMC receives a request for access. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a

written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed and specify why it should be changed.

If the school decides not to amend the record as requested, the school 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 the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the VFMC in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the VFMC who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist 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 the VFMC.

Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. For example, VFMC has collaborative programs involving consortium agreements, articulation agreements and transfer agreements which may require transfer of student records.

4. The right to file a complaint with the U. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

FERPA permits the disclosure of Personally Identifiable Information from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student –

- To other school officials, including teachers, within the school whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the US Comptroller General, the US Attorney General, the US Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, 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. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))

- To 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. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))
- To 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. (§99.31(a)(15))

### **Policy Owner(s)**

- Dean of College Services
- Registrar
- Provost

### **Policy Access and Publication**

- Course Catalog
- Policy Manual

## **Policy Adoption and Revision History**

- Adopted: 2021
- Revised: 2021
- Revised: 2022

# **POLICY 2.49.002: FERPA ONLINE**

## **Policy**

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. The law applies to all institutions that receive funds under an applicable program of the US Department of Education.

VFMC protects the privacy of online students in the same manner used to protect students enrolled in face-to-face courses.

## **Procedure**

N/A

## **Policy Owner(s)**

- Registrar

## **Policy Access and Publication**

- Policy Manual

## **Policy Adoption and Revision History**

- Adopted: Unknown
- Evaluated and reaffirmed: 2022