

# Family Educational Rights and Privacy Act

Concorde maintains a number of important records on the student's behalf throughout the application and registration processes, as well as records that are maintained throughout a student's enrollment. Examples of such records include but are not limited to:

- Academic Transcripts
- Attendance Records
- Financial Aid Records
- Employment Records
- Disciplinary Documentation

## Student Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student. These rights include:

- The right to inspect and review the student's education records within 45 days after the day Concorde receives a request for access.
- A student should submit to the Academic Dean or Campus President 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. Students are not entitled to inspect and review financial records of their parents. If a request is submitted to a school official not responsible for maintaining records, that official shall advise the student of the correct official to whom the request should be addressed.
- 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 Academic Dean, 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.
- The right to provide written consent before Concorde discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by Concorde 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 20202-8520

## Concorde Rights Under FERPA

FERPA permits the disclosure of education records, without consent of the student, if the disclosure meets certain conditions found in the FERPA regulations. A postsecondary institution may disclose education records without obtaining prior written consent of the student in the following instances:

- Parental access to a student's record will be allowed by Concorde without prior consent if: 1) the student has violated a law or the Institution's rules or policies governing alcohol or substance abuse, and the student is under 21 years old; or 2) the information is needed to protect the health or safety of the student or other individuals in an emergency.

- 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 Institution 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 Concorde who performs an institutional service of 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 the 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 Institution.
- 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.
- To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the Institution's State-supported education programs. Disclosures under this provision may be made: 1) 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; 2) 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 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.
- To organizations conducting studies for, or on behalf of, the school in order to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- To the general public, the final results of a disciplinary proceeding 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.
- 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 twenty-one.

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, FERPA regulations require the Institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

Additionally, FERPA allows Concorde to disclose information it has designated as "Directory Information." Concorde defines directory information as: the student's name, address(es), telephone number(s), e-mail address, birth date and place, program of study, dates of attendance, honors and awards, photographs and credential awarded. If a student does not want his or her directory information to be released to third parties without the student's consent, the student must present such a request in writing to the Academic Dean within 45 days of the student's enrollment or by such later date as the Institution may specify as acceptable. Under no circumstance may the student use the right to opt out to prevent the Institution from disclosing that student's name, electronic identifier, or institutional e-mail address in a class in which the student is enrolled.

## Release of Personally Identifiable Information (PII)

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expanded the circumstances under which a student's education records and personally identifiable information (PII) contained in such records, including his or her Social Security Number, grades, or other confidential information, may be accessed without his or her consent.

- The U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local education authorities (“Federal and State Authorities”) may allow access to a student’s records and PII without his or her consent to any third party designated by a Federal or State Authority to evaluate a Federal- or State-supported education program.
  - The evaluation may relate to any program that is “principally engaged in the provision of education,” such as early childhood education and job training, as well as any program that is administered by an education agency or institution.
- Federal and State Authorities may allow access to a student’s education records and PII without the student’s consent to researchers performing certain types of studies, in certain cases, even when Concorde objects to or does not request such research.
- Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive a student’s PII, but the Federal and State Authorities need not maintain direct control over such entities.
- With respect to Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share, without the student’s consent, PII from his or her education records, and they may track the student’s participation in education and other programs by linking such PII to other personal information about him or her that they obtain from other federal or state data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.