

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

2020-2021 GUIDELINES FOR STUDENTS, FACULTY, STAFF AND PARENTS

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA) is a requirement that governs the privacy of student education records, and access to those records as well as disclosure of information from them. FERPA is sometimes referred to as the Buckley Amendment.

Who is protected under FERPA?

Students who are currently enrolled or formerly enrolled in educational institutions that receive federal funds regardless of their age or parental dependency status are protected under FERPA. Federal funds can include grants and financial aid. FERPA does not apply to deceased students or persons who have applied but have not attended.

What are the students' rights?

Students have the right to:

- Inspect and review the student's education records within 45 days of the day the College receives a request for access;
- Request the amendment of student's education records that the student believes are inaccurate or misleading or otherwise in violation of the student's privacy rights under FERPA;
- Provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- Be notified annually by the College of what student record information the College designates as "directory information," and the right to request that no student information be designated as directory information;
- File a complaint with the U.S. Department of Education concerning alleged failures by the 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
400 Maryland Avenue, S.W.
Washington, DC 20202-5901.

What are education records?

With certain exceptions, an education record is any record from which a student can be personally identified and is routinely maintained by the institution.

What are not education records?

- Sole possession records or private notes held by school officials that are not accessible or released to other personnel. Notes made in the presence of others are not sole possession notes and are thus considered an education records;
- Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;
- Records relating to individuals who are employed by the institution (unless employment is contingent upon being a student);
- Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing such treatment;
- Records of an institution that contain information about an individual obtained after that person is no longer a student at that institution, i.e., alumni records.

What information does FERPA permit institutions to release?

MWCC may disclose information on a student without violating FERPA if it is designated "directory information." MWCC identifies the following student information as directory information:

- the student's first and last name and middle initial
- the student's billing address
- MWCC sponsored e-mail address
- the student's declared program(s) of study at the college
- the student's enrollment status (full-or part-time)
- degree or certificate earned and academic honors

Who may receive information on a student without the student's consent?

- MWCC school officials determined to have a legitimate educational interest, (*which means a justifiable need to view an education record in order to complete his/her job responsibilities, as defined by the College*);
- Persons or organizations providing to the students financial aid, or determining financial aid decisions;
- Officials of other institutions in which the student seeks to enroll;
- Accrediting organizations carrying out their accrediting functions;
- Parents of a student who have established the student's status as a dependent according to the IRS Code of 1986, Section 152
- Persons in compliance with a judicial order or a lawfully issued subpoena;
- Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of the student or other persons.
- Section 952 of the 1998 Higher Education Amendments, authorizes institutions of higher education to disclose to parents and guardians of students under age twenty-one, violations of institutional policies or rules, as well as local, state, and federal laws governing the use or possession of alcohol or a controlled substance. Parents or legal guardians of students under twenty-one years of age will be notified when the student has violated the MWCC alcohol or drug policies.

Students may request that their records be coded as confidential at any time by completing the request form at the MWCC Records office or download it online at: mwcc.edu/PDFs/ConfidentialityRequest.pdf

The [College Catalog](#) details the types of records available for inspection and the procedure to access these records.

How can a parent access a student's records?

Student records may be released to a parent (custodial or non-custodial) without the student's prior approval only when the *MWCC Parent Information Request Form* (available in the MWCC Records office or online at: mwcc.edu/PDFs/ParentInfoRequest.pdf) has been completed. This form requires the requesting party to attach documentation that verifies the student was claimed as a dependent on the most recently filed IRS tax return. Once this form and documentation is received, the student will be notified of the request prior to the release of the requested information 10 days hence. Student information is subject to the guidelines of FERPA even if the student is below the age of 18.

Students may choose to have their records provided to parents or other third parties on a one-time or one-year basis by completing the *MWCC Student Record Information Waiver Form* available from the MWCC Records office or online at: mwcc.edu/PDFs/StudentRecordInfoWaiver.pdf

Directory requests:

Requests for the entire student directory, requests from any military sources under the Solomon Amendment, or requests for a "class" of students, such as all students in any one major, should be directed to the MWCC Records office, or call 978-630-9106.

Questions about the release of any student records should be directed to the MWCC Records office, or call 978-630-9106.

The release of information contained in MWCC student records, especially grades, transcripts, and financial information is strictly controlled and regulated by federal law, the Family Education Rights and Privacy Act (FERPA)