

# Privacy (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

Source: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

The right to file a complaint with the U.S. Department of Education concerning alleged failures by Atlantic Cape Community College to comply with the requirements of FERPA.

Submit claims to:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, S.W.  
Washington, D.C., 20202-4605

Atlantic Cape Community College hereby designates the following categories of student information as public or "Directory Information." (The College may disclose such information without the student's prior consent under the conditions set forth in FERPA.)

Name, hometown, classification (freshman or sophomore), degrees awarded, honors, awards, weight/height of athlete, sports participation.

Requests for release of Directory Information must be submitted in writing to the Registrar, Atlantic Cape Community College, 5100 Black Horse Pike, Mays Landing, NJ 08330-2699.

Students who elect to withhold disclosure of this category of information must conduct all College business in person with a photo ID card. Such students' names will be published in the commencement program unless the students' request exclusion in writing. Students in this category are eligible to use the Web for transactions including registration, which are protected by a personal identification number (PIN).

Currently enrolled students may withhold disclosure of directory information under FERPA. To withhold disclosure, students must present a student ID in person at the Registrar's Office (J building), Mays Landing Campus, and complete the Restrict Directory Information form. The form may be submitted at any time throughout the year and will immediately affect prospective disclosures. Atlantic Cape Community College assumes that failure on the part of any student to specifically request the withholding of a category of directory information indicates individual approval for disclosure.

Former students may not place a new request for nondisclosure of directory information on their educational records; however, they may request its removal.