



COLORADO COMMUNITY
COLLEGE SYSTEM

Family Educational Rights and Privacy Act (FERPA) Annual Notification Information and CCCS Template

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The WHY?

FERPA Annual Notification Background Information (From AACRAO Web Site)

<http://www.aacrao.org/compliance/ferpa/index.cfm> (must have a membership to access FERPA online guide)

In accordance with final regulations published on November 21, 1996, educational agency's and institution's are no longer required by FERPA to have a written student records policy. However, they're required to supply students in attendance with an annual notification of rights available under FERPA.

The HOW?

Means of Notification (From AACRAO's Web Site)

<http://www.aacrao.org/compliance/ferpa/index.cfm> (must have a membership to access FERPA online guide)

*FERPA does not require a specific means of notification. They must, nonetheless, be **reasonably likely** to inform the students. Some common mediums for publishing an institution's annual notification include:*

- Student handbooks
- School newspapers or catalogs
- Local newspaper
- Inclusion in registration packets
- From CCCS: in conjunction with posting the annual notification information on the college Web site or portal announcement, colleges may also send the notification to the student's college assigned email account – the student's name need not be on the notification. We recommend sending this sometime after census in the fall term and it is recommended to be done in the spring as well.

The WHAT?

CCCS Directory Information (and Link)

<https://www.cccs.edu/about-cccs/state-board/policies-procedures/>

The following items are designated as “directory information”. Colleges may disclose any of this information without prior written consent, unless notified by the student in writing to the contrary by the first official class meeting date of each semester. The following changes were made in early January, 2013: birth year and college email were removed. In March, 2015, enrollment status and high school attended were added, along with clarification that address information may be shared with Phi Theta Kappa and other academic societies for students who are eligible to be considered for membership.

- student name
- major field of study
- dates of attendance
- degrees and awards received
- most recent educational institution attended
- enrollment status (i.e. full-time, three-quarter-time, half-time, less than half-time, withdrawn, graduated or deceased)
- participation in officially recognized activities and sports
- height, weight, and high school attended (only for students in officially recognized activities and sports).

Addresses (including mail and e-mail) are considered Personally Identifiable Information (PII) and are not released as Directory Information except for the following:

- Graduation lists released to news media, which may include the student's city of residence.
- Other listings to the news media and college personnel for special awards, honors, and events. Notification to Phi Theta Kappa Honor Society and other academic honor societies for students who are eligible to be considered for membership

Model Notification of Rights for Postsecondary Institutions under FERPA.
From the U. S Department of Education
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/ps-officials.html>

The Family Educational Rights and Privacy Act (FERPA) 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 the College 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 College 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 College 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 are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the College to amend a record should write the College 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 College decides not to amend the record as requested, the College 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 College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The College 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 College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; 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 the College.

[Optional] Upon request, the College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE TO COLLEGE: FERPA requires an institution to make a reasonable attempt to notify each student of these disclosures unless the institution states in its annual notification that it intends to forward records on request.]

(4) The right to 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, SW
Washington, DC 20202-5901

[NOTE: In addition, an institution may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]

CCCS Annual Notification Template

Family Education Rights and Privacy Otero Junior College Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. FERPA rights are afforded to the students at the time of admission. These rights include:

- 1) The right to inspect and review the student's education records within 45 days of the day Otero Junior College receives a request for access.** A student should submit to the OJC Student Services Center, a written request that identifies the record(s) the student wishes to inspect. The Registrar 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 Registrar, they 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 are inaccurate, misleading, or otherwise in violation of the student's privacy rights.**
A student who wishes to ask Otero Junior College to amend a record should write the Registrar who will notify the college 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 College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment using the Student Grievance Procedure SP 4-31. 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 Otero Junior College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.** One exception which permits disclosure without consent is disclosure to College officials with legitimate educational interests. A College official is a person employed by the College in an administrative, supervisory, academic or research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using college employees or officials (such as an attorney, auditor, or collection agent); a person serving on the College Board; 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. Otero Junior College has designated the National Student Clearinghouse as a College official. A College 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 College. Upon request, the College discloses education records, without a student's consent, to officials of another school, in which a student seeks or intends to enroll, or after enrollment.

The college may share educational records to parents in the following circumstances: for a student who is dependent under I.R.S. tax code; a student under 21 years old who has violated a law or the schools rules or policies governing alcohol or substance abuse; and when the information is needed to protect the health or safety of the student or other individuals in an emergency.

FERPA Annual Notice to Reflect Possible Federal and State Data Collection and Use

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records — including your Social Security Number, grades, or other private information — may be accessed without your consent. First, 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 your records and PII without your 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. Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do 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 your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you 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.

The Colorado Community College System considers the following to be directory information and Otero Junior College staff may disclose this information, without prior consent, to anyone inquiring in person, by phone, or in writing: Student name; Major field of study; Dates of student attendance; Degrees / certificates and awards student has earned; Most recent educational institution attended by the student; enrollment status (full time, part time, etc.), Participation in officially recognized activities and sports; and if participating in an officially recognized activity or sport, height, weight, and high school attended.

Addresses (including mail and e-mail) are considered PII and are not released as Directory Information except for the following:

- Graduation lists released to news media, which may include the student's city of residence.
- Other listings to the news media and college personnel for special awards, honors, and events. Notification to Phi Theta Kappa Honor Society and other academic honor societies for students who are eligible to be considered for membership

Additionally, name, address, phone number, date and place of birth, level of education, most recently attended college, field of study, and degree(s) received of students may be released to military recruiters upon request in accordance with the Solomon Amendment. All other information contained in student records is considered private and not open to the public without the student's written consent. Students who do not want their directory/public information released to third parties or students who do not want to be listed in the College online e-Directory should complete a form to suppress directory information available online or at the Registrar's Office or Office of Admissions and Records by the first day of the semester.

4) The right to 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, SW
Washington, DC 20202-5901