

NEW BRUNSWICK THEOLOGICAL SEMINARY

Family Educational Rights and Privacy Act (FERPA)

OVERVIEW

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. Students have specific, protected rights regarding the release of such records and FERPA requires that institutions adhere strictly to these guidelines. Therefore, it is imperative that the faculty and staff have a working knowledge of FERPA guidelines before releasing educational records.

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.

FERPA & NEW BRUNSWICK THEOLOGICAL SEMINARY

There are two types of educational records as defined under FERPA. Each type of educational record is afforded different disclosure protections.

I. DIRECTORY INFORMATION

Some information in a student's educational record is defined as directory information under FERPA. Under a strict reading of FERPA, New Brunswick Theological Seminary may disclose this type of information without the written consent of the student. However, the student can exercise the option to restrict the release of directory information by submitting a formal request to the Registrar to limit disclosure. Directory information may include:

- Name;
- Address;
- Phone number and email address;
- Dates of attendance;
- Degree(s) awarded;
- Denomination
- Major field of study.

The above information is considered by New Brunswick Theological Seminary to be directory information and, as such, may be disclosed to a third party upon request however we typically request, in writing, permission from our students to disclose directory information to outside/third parties.

II. NON-DIRECTORY INFORMATION

Non-directory information is any educational record not considered directory information. Non-directory information must not be released to anyone, including parents of the student, without the prior written consent of the student. Further, faculty and staff can access non-directory information only if they have a legitimate academic need to do so. Non-directory information includes:

- Social security numbers;
- Student identification number;
- Race, ethnicity, and/or nationality;
- Gender
- Transcripts; grade reports
- Enrollment Status

FERPA Continued.

Transcripts are non-directory information and, therefore, are protected educational records under FERPA. Students have a right to privacy regarding transcripts held by New Brunswick Theological Seminary where third parties seek transcript copies. New Brunswick Theological Seminary requires that students first submit a written request or complete an official transcript request form to have transcripts sent to any third party as the privilege of privacy of this information is held by the student under FERPA. New Brunswick Theological Seminary will not fax transcripts because this process cannot guarantee a completely secure transmission of the student's grades to third parties.

In general, a student's prior written consent is always required before New Brunswick Theological Seminary can legitimately disclose non-directory information. However, prior written consent must include the following elements:

- Specify the records to be disclosed;
- Identify the party or class of parties to whom the disclosure is to be made;
- The date;
- The signature of the student whose record is to be disclosed;
- The signature of the custodian of the educational record.

Prior written consent is not required when disclosure is made directly to the student or to other school officials within New Brunswick Theological Seminary where there is a legitimate educational interest. A legitimate educational interest may include enrollment or transfer matters, financial aid issues, or information requested by regional accrediting organizations.

New Brunswick Theological Seminary will **not** require prior written consent to disclose non-directory information where the health and safety of the student is at issue, when complying with a judicial order or subpoena, or where, as a result of a crime of violence, a disciplinary hearing was conducted by the school, a final decision was recorded, and the alleged victim seeks disclosure.

New Brunswick Theological Seminary will notify parents and eligible students annually of their rights under FERPA through our student handbook, newsletter, website or via the Registrar's office.

FERPA Continued.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339.

Or you may contact us at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Adapted from Office of Family Policy Compliance, Family Education Rights and Privacy Act (FERPA). Retrieved October 17, 2004 from <http://www.ed.gov/print/policy/gen/guid/fpc/ferpa/index.html>. and William R. Van Dusen Jr., J.D., Assistant Director For Academic Advising School For Professional Studies, Regis University.