

Family Educational Rights and Privacy Act (FERPA)

What is an educational record?

An educational record is any record that is directly related to the student that is maintained by the School or by a party acting on behalf of the School. This includes information recorded in any medium such as handwriting, computer media, video or audio tape, film, microfilm and microfiche.

What is not considered an education record?

FERPA outlines many records not considered as an education record, and therefore not afforded protection under FERPA. Some of these are:

1. Sole possession records or private notes held by an institution official that are not accessible or released to other personnel, except individuals serving as a temporary substitute for the school official;
2. Campus security or law enforcement records that are held by an institution official that are not accessible by or released to their personnel except in emergency situations;
3. Records relating to individuals who are employed by the institution, unless the employment is contingent on their status as a student (e.g., work-study students).
4. Records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution (e.g., alumni records).

What disclosures does FERPA allow for without the provision of student consent?

FERPA outlines some exceptions for the disclosure of a student's education record without the student's consent. Some of the exceptions that may be utilized by The Ailey School without student consent and/or notification are provided below.

1. The disclosure is to school officials who have been determined to have legitimate educational interests in order to fulfill his or her professional responsibility. A school official is a person employed by the institution 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 retained as its agent to provide a service instead of using institution employees/officials (such as an attorney, auditor, contractor, consultant, volunteer, 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.
2. The disclosure is to officials of another institution in which a student seeks or intends to enroll
3. The disclosure is to state or local educational authorities auditing or evaluating Federal or State supported education programs or enforcing Federal laws which relate to those programs.
4. The disclosure is pursuant to a lawfully issued court order or subpoena.
5. The disclosure is made for compliance with the Solomon Amendment.
6. The disclosure is to a parent who legally declares the student as dependent, as defined by 20 U.S.C. §1232g. (NOTE: Regardless of the student's age, a parent seeking access to

their son or daughter's educational record must present proof upon each request of their child's dependency to the Registrar's Office by way of the most recent year's federal tax return.)

7. The disclosure is to parents and legal guardians of students under the age of 21, regardless of their dependency status, of information regarding a student's violation of laws or policies governing the use or possession of alcohol or a controlled substance.
8. The disclosure is made in situations deemed by the college as a health/safety emergency.
9. The disclosure is provided to organizations conducting studies to improve instruction, or to accrediting organizations.
10. The disclosure is made in connection with the receipt of financial aid (validating eligibility).
11. The disclosure is made in connection with the information received from the New York Police Department and in accordance with the Wetterling Act regarding a registered sex offender.
12. The information disclosed has been designated as directory information by the college.

What is directory information and what does The Ailey School define as student directory information?

At its discretion, The Ailey School may disclose "directory information" in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Directory information is defined as the information which would not generally be considered harmful or in invasion of privacy if disclosed such as:

- Student's name
- Mailing address of record to college and universities only
- College email address
- Number of credit hours enrolled
- Major field of study
- Dates of attendance
- Degrees, certificates, honors and awards

Students may prohibit the release of directory information by contacting the Registrar's Office within one week after the initial day of class during any regular semester/term.

Who should I contact if I have questions regarding FERPA?

Individuals having questions regarding FERPA may contact Jenny Little, Registrar. She can be reached by email at jlittle@alvinailey.org.