

DIN: 2135-1-01

Title of Policy: FERPA (Family Educational Rights and Privacy Act) Compliance Policy

It is the policy of the College to inform learners and parents of their Family Educational Rights and Privacy Act (FERPA) rights and how to pursue them. The Family Educational Rights and Privacy Act (FERPA) affords learners certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the learner's education records within 45 days of the day the College receives a request for access.

A learner should submit to the registrar, dean, division chair, or other appropriate official, a written request that identifies the record(s) the learner wishes to inspect. The College official will make arrangements for access and notify the learner 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 learner of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the learner's education records that the learner believes are inaccurate, misleading, or otherwise in violation of the learner's privacy rights under FERPA.

A learner 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 learner 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 learner in writing of the decision and the learner's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the learner when notified of the right to a hearing.

(3) The right to provide written consent before the College discloses personally identifiable information from the learner's education records, except to the extent that FERPA authorizes disclosure without consent.

NTC does not release Private Data to any individual or organization, including credit card issuers, unless approved by MnSCU or the college administration. However, in accordance with FERPA and MGDPA (Minnesota Government Data Practices Act), Northwest Technical College has the right to release learner records without consent in some circumstances.

The College discloses education records without a learner'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 learner serving on an official

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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. Examples include, but are not limited to, the following:

- Specified officials for audit, accrediting or evaluation purposes.
- Appropriate parties in connection with providing financial aid to a learner.
- Another educational agency or institution, where a learner is enrolled and/or receiving services, while also enrolled or receiving services at NTC.
- Other educational agencies or institutions to which learners have transferred if requested by the transfer school.
- Other MnSCU institutions where the learner is enrolled or has applied for admission and to which official transcripts are automatically forwarded.

In accordance with FERPA and MGDPA guidelines, other examples of release without consent include, but are not limited to, the following:

- To appropriate officials in cases of health and safety emergencies.
- To state and local authorities, within a juvenile justice system, pursuant to specific state law.
- To comply with a judicial order or lawfully issued subpoena.
- To military recruiting personnel, under the Solomon Amendment of the National Defense Authorization Act. In addition to directory information, NTC must disclose address, telephone number, previous school of enrollment, and date of birth.

(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

Purpose

To inform learners of their FERPA rights regarding their educational records at NTC.

Responsibility

The table below describes responsibilities for this policy:

Group/Individual	Responsibility
Dean	Assure that college policies and practices effectively guard learners' rights with regard to their educational records. Assure that college faculty and staff are informed of FERPA regulations and their role in following/implementing the requirements of FERPA.
Registrar	Safeguard privacy of learner records. Provide access to learner records in accordance with FERPA regulations. Manage "Do Not Release" and "Authorization to Release Information" processes and forms.

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Faculty	Provide access to class level educational records in accordance with FERPA regulations and respond to requests for changes within 10 days or timeline identified by the Registrar. Refer learners with requests for access to their other educational records to the Registrar. Inform learners of their right to appeal.
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Supporting References

Listed below are college document(s) that support this policy:

[2140-1-01 Learner Records](#)

[2130-1-01 Directory Information](#): Public and Private

[2130-4-01 Do Not Release Form](#) (public information)

[2130-4-02 Authorization to Release Information Form](#) (private information)

[3320-1-01 Appeals and Grievance](#) policy, process and form

Compliance References:

Listed below are references to compliance requirements (e.g. MnSCU policy, federal regulations).

[Family Educational Rights and Privacy Act of 1974](#) (the “Buckley Amendment”)

Minnesota Government Data Practices Act (Mn Statutes Section 13.01)

[Minnesota Statute 135A.145](#)

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