

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 sets limits on the disclosure of personally identifiable information from school records and defines the rights of students to review school records and request changes.

Right to Review: HWA ensures that students have the right to review their educational records. Students who desire access to their educational records must make a request in writing with Student Services by filling out a Request for Information Form.

Consent for Disclosure: Students have the right to provide consent for the disclosure of their records. Parents, guardians, or other designated individuals are only permitted access to a student's records with prior written consent from the eligible student. A student must provide signed and dated written consent before the school may disclose personally identifiable information (PII) or education records. This consent is required to include the records that may be disclosed, the purpose of the disclosure, and identify the party (or parties) to whom the disclosure may be made. HWA is required to provide the student with a copy of the records that have been disclosed, if requested. HWA maintains a listing in the student's file to whom personally identifiable information was disclosed and the legitimate interests of the parties had in obtaining the information.

Request Amendments: HWA ensures that students are allowed to request amendments of information within their educational records on the grounds that the records are inaccurate, misleading, or violate the rights of the student. A request for an amendment of educational records can be made by following the published Grievance Policy.

Disclosure Without Consent: Under provisions of the act (34CFR 99.31) there are certain conditions where the school is permitted to disclose PII and education records without consent from the student.

HWA is permitted to give access to student education records to the following parties without consent from the student:

- Specified school officials whom have legitimate educational interest. These school officials include persons employed by HWA in an administrative, supervisory, academic, or support staff position.
- Persons serving on the board or advisory committees
- Contractors who perform service functions and who are under direct control of the school with respect to the use and maintenance of personal identifiable information; such as an attorney, auditor, or collection agent.
- U.S Comptroller General, U.S Attorney General, U.S Department of Education
- State & local officials
- Authorized organizations conducting educational research
- Accrediting Agencies
- Alleged victim of a crime
- Parent of a Dependent Student as defined by the IRS
- Officials at another school in which a student is seeking to or intends to enroll

- Parent of a student under the age of 21 regarding the violation of law regarding drug or alcohol abuse

Additional exceptions:

- Court order or lawfully issued subpoena

HWA is required to make a reasonable effort to notify a student who is the subject of a subpoena or court order before complying, so that the student may seek protective action (unless the court or issuing agency has prohibited such disclosure).

- Health & Safety exception

HWA is permitted to disclose personal identifiable information from a student's record in case of an immediate threat to the health & safety of students or other individuals. HWA may only disclose personally identifiable information from an education record to appropriate parties in connection with an emergency IF knowledge of the information is necessary to protect the health or safety of the student or other individuals.

- Information that HWA has determined to be "directory information"

This information includes name address, telephone number, date/place of birth, and dates of attendance, program enrolled in, enrollment status, & most recently attended educational institution.

HWA must notify students about directory information and allow the student a reasonable amount of time to request that directory information about them not be disclosed.

Annual Policy Notification: HWA is required to notify students annually of their rights under FERPA. This notices includes the following student rights; review of records, request changes to records, disclosure consent process, and complaint process. HWA notifies students via the Student Handbook/Catalog and as part of the Student Orientation Process.

Complaint Process: Students have the right to file a complaint with the U.S Department of Education in regards to HWA's failure to comply with the requirements of FERPA. Complaints made be sent to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-4605