

# UTA Mesivta of Kiryas Joel

## STUDENT RECORDS AND FERPA

The Family Educational Rights and Privacy Act (FERPA) established the following student rights with respect to their educational records:

1. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.

Students should submit to the administrator, registrar or other appropriate official, written requests that identify the record(s) they wish to inspect. The school official will make arrangements for access and notify the student of the time and place where records may be inspected. If the records are not maintained by the school 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 or misleading.

If the school decides not to amend the record as requested by the student, the school will notify the student of the decision and advise the student of his 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 consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the school in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the school has contracted (such as an attorney, auditor, or collection agent); a person serving on the school's Board of Directors; or a student serving on an official

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committee, such as a disciplinary or grievance committee, or assisting another school official in performing his 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 responsibility. Upon request, the school discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by UTAM to comply with the requirements of FERPA.

Students may contact the FERPA staff at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-4605

## Exemptions

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student –

1. To other school officials, including teachers, within UTAM whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
2. To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
3. To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the

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requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)

4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
5. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
6. To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
8. To comply with a judicial order or lawfully issued subpoena, to proceed with or defend against the legal action. (§ 99.31(a)(9))
9. To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
10. The information the school has designated as “directory information” under § 99.37. (§ 99.31(a)(11)): name, student status, marital status, spouse's name, telephone number, address, date of birth, place of birth, dates of attendance, degrees granted, dates degrees granted, names of prior institutions attended, chavrusas, chaburas, roommates, photos, dormitory building/ room numbers, seat information, parents' and parents in-law's names, addresses, occupations, congregations, and similar background information.

Note: Students have the right to restrict the sharing of directory information. Students who wish to make such a request must contact the registrar's office, and submit the request in writing within 90 days from the beginning of the semester. Once a student requests that the school not disclose directory information, this hold on sharing directory information will remain in place until revoked by the student in writing. Requests cannot be put into effect retroactively.

1. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
2. To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student

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- is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation
3. of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
  4. To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))