



## Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. An "eligible student" under FERPA is a student who enters a postsecondary institution at any age. Student education records are those records that contain personally identifiable information (PII). Examples of student records include academic transcripts, financial aid awards, and student judicial files.

FERPA provides students the right to provide written consent before the San Luis Obispo Community College District discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

### Student Right to Inspect and Review Records

Section 99.10 of FERPA grants students the right to inspect and review their education records within 45 days after the day a request for access is submitted to Associate Dean, Financial Aid and Records. A student should submit a written request to that identifies the record(s) the student wishes to inspect. The Associate Dean, Financial Aid and Records will make arrangements for access and notify the student of the time and place where the records may be inspected. If the education records are not maintained by the Associate Dean, Financial Aid and Records, the student shall be advised of the correct official to whom the request should be addressed.

### Directory Information

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can be disclosed, including disclosure to outside organizations, without prior written consent. An example of release to outside agencies is Cuesta College press releases about student accomplishments including commencement, sports events, and performing arts productions. In addition, federal law requires local education agencies to provide military recruiters, upon request, with the following information – names, addresses, and telephone listings – unless the student requests their information be maintained as confidential.

The District has designated the following information as directory information:

- Student's name
- *myCuesta* student email address
- Photograph
- Major of study/program
- Degrees/Certificates and awards received by students (including honors, scholarship awards, athletics awards)
- Dates of attendance
- Level of Enrollment (number of credits)
- Student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members.
- The most recent educational agency or institution attended
- Student ID number used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identify, such as a PIN, password, or other factor known or possessed only by the authorized user.
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identify, such as a PIN, password, or other factor know or possessed only by the authorized user.

In completing the admission application, students are provided the opportunity to request their directory information be maintained as confidential. Students may also submit a written request to the Enrollment Services Office at any time to become effective within 5 to 10 working days.

### Disclosure of Education Records

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. A school official may include a volunteer or contractor outside the District who performs an institutional function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. 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 for the following conditions:

- To school officials with legitimate educational interests. A school official is a person employed by the San Luis Obispo Community College District in an administrative, supervisory, academic, research, or support staff position, including law enforcement unit personnel and health staff. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions

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listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. A District official has a legitimate educational interest if official needs to review an education record in order to fulfill his or her professional responsibilities for the District.

(§99.31(a)(1))

- Cuesta College has designated [AcademicWorks](#), [Aim](#), [Barnes and Noble](#), [BMTX, Inc.](#), [Campus Logic](#), [Comevo](#), [Cleared4](#), [Credentials Inc.](#), [Ellucian](#), [Instructure/Canvas](#), [Maxient](#), [National Student Clearinghouse](#), [OCLC](#), [PyraMed](#), [Rave](#), and [TrueDialog](#), as a District official.
- To a person serving on the board of trustees;
- To a student serving on an official committee, such as a disciplinary or grievance committee. (§99.31(a)(1))
- 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))
- 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 District's State-supported education programs. Disclosures under this provision may be made, subject to the 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)
- 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))
- To organizations conducting studies for, or on behalf of, the District, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the District has designated as "directory information" under § 99.37 (§99.31(a)(11))
- 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))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the District determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the District's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))
- 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 District, governing the use or possession of alcohol or a controlled substance if the District determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

### Access to Student Records for Immigration Enforcement Purposes

No student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or judicial warrant, written consent must be signed and dated by the student or (of the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made. See Administrative Policy 5040 for policy and contact information for the person to review and respond to a request for student records.

### Right to Request Amendment of Student Records

Students have the right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the District to amend a record should write the District official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the District decides not to amend the record as requested, the District will notify the student in writing of the decision and the student's 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. (§99.22(e))

### Right to File a Complaint with the Department of Education

Cuesta College students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District 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. Phone (800) 872-5327