

2115 Family Educational Rights and Privacy Act (FERPA) and Solomon Amendment Compliance

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FERPA

FERPA affords eligible students certain rights with respect to their education records. (An eligible student under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the College receives a request for access. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the 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 is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the College to amend a record should write to the College 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 College decides not to amend the record as requested, the College 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.
3. The right to provide written consent before the college discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to College officials with legitimate educational interests. A College official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A College official also may include a volunteer or contractor outside of the College who performs an institutional service of function for which the College would otherwise use its own employees and who is under the direct control of the College 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 College official in performing his or her tasks. A College 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.

Upon request, the College also 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 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

Disclosures without Consent

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

1. To other College officials, including faculty, within the College whom the College has determined to have legitimate educational interests. This includes, in certain cases, contractors, consultants, volunteers, or other parties to whom the College has outsourced institutional services or functions.
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.
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 College's State-supported education programs, 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.
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.
5. To organizations conducting studies for, or on behalf of, the College, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
6. To accrediting organizations to carry out their accrediting functions.
7. Information the College has designated as Directory Information.
8. To parents of an eligible student if the student is a dependent for IRS tax purposes. Parents may also obtain non-Directory Information if the College has a signed release from the student on file. Students may obtain a release from the Registrar's Office.

9. To comply with a judicial order or lawfully issued subpoena.
10. To appropriate officials in connection with a health or safety emergency. In certain circumstances parents may also be notified when their student is involved in a health or safety emergency.
11. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense.
12. To the general public, the final results of a disciplinary proceeding, if the College 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 College's rules or policies with respect to the allegation made against him or her.
13. 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 College, governing the use or possession of alcohol or a controlled substance if the College determines the student committed a disciplinary violation and the student is under the age of 21. In certain circumstances parents may be notified by the College if their student's residency or student status has been revoked or may be in jeopardy of being revoked.

Directory Information

At its discretion, the College may provide Directory Information without the consent of the student. For these purposes, Directory information includes: Student name, current enrollment, address, e-mail address, telephone number, class year standing, full-time or part-time status, schedule of classes, photograph, date and place of birth, major and minor fields of study, dates of attendance, degrees and awards received, including Dean's list and graduation honors, most recent previous educational institution attended, participation in officially recognized activities and sports, weight and height of members of athletic teams.

In certain circumstances, students may ask the College to withhold Directory Information by notifying the Registrar in writing within two weeks after the first day of class for each semester. Requests for nondisclosure, unless disclosure is required by law, will be honored by the College for only one academic semester; therefore, authorization to withhold Directory Information must be filed each semester in the Registrar's Office.

Solomon Amendment

The Solomon Amendment ([10 U.S.C. § 983](#)) is a federal law that allows military recruiters to access some address, biographical and academic program information on students age 17 and older.

The Department of Education has determined the Solomon Amendment supersedes most elements of FERPA. The District is therefore obligated to release data included in the list of "student recruiting information," which may or may not match the Districts FERPA directory definition list. However, if the student has submitted a Request to Withhold Directory Information to restrict the release of his/her Directory Information, then no information from the student's education record will be released as specified in the Solomon Amendment.

The following is a list of information that may be released to military recruiters pursuant to the Solomon Amendment:

Name, address, telephone, year of birth, level of education, academic major, degrees received, educational institution in which the student was most recently enrolled.

Under the Solomon amendment, information will be released for military recruitment purposes only. The military recruiters may request student recruitment information once each term or semester for each of the 12 eligible units within the five branches of the service:

1. Army, Army Reserve, Army National Guard
2. Navy, Navy Reserve
3. Marine Corps, Marine Corps Reserve
4. Air Force, Air Force Reserve, Air Force National Guard
5. Coast Guard, Coast Guard Reserve

The request must be submitted in writing on letterhead clearly identifying the unit of service requesting the student recruitment information.

The request should specify whether the information needed is for the current or previous semester.