



# Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA, Statute: 20 U.S.C. 1232g; Regulations: 34 C.F.R. Part 99) is a Federal law that protects the privacy of student education records and applies to all institutions that receive funds under any applicable program from the U.S. Department of Education. FERPA includes parental rights and gives parents certain rights to the student's education record; however, this privacy right is a right that transfers from the parent to the student when the student reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are referred to as "eligible students." The following policy quotes the rights of "eligible students" but let it be understood that the law and policy applies to parents if the student does not meet the aforementioned federal definition of an "eligible student."

The primary rights of an eligible student under FERPA include:

- The right to some control over the disclosure of information from educational records.
- The right to inspect and review educational records.
- The right to seek to amend educational records.
- The right to challenge a school's decision when a request to amend an educational record is denied
- The annual notification of FERPA rights to eligible students or parents
- The right to file with the Department of Education a complaint concerning alleged failures by the Mt San Antonio College Financial Aid Department to comply with the requirements of FERPA

The following document is the official FERPA Policy for the Mt San Antonio College Financial Aid Department. This policy is for the Financial Aid Department only.

## Disclosure of Financial Aid Education Records

The Mt San Antonio College Financial Aid Department will disclose information from the student's financial aid educational record<sup>[1]</sup> to a third-party only with written consent from the eligible student or as allowed under FERPA law. While FERPA rules give institutions the flexibility to release student financial aid educational records to a parent who claim the student as a dependent per IRS IRC Section 152, Mt San Antonio College Financial Aid Department does not disclose Financial Aid educational records to a parent without the written consent of the eligible student even if the student was claimed as a dependent under IRS rules. Parents who wish to discuss their child's financial aid may only do so if listed on a Mt San Antonio College Student FERPA Information Release Form signed by the eligible student.

FERPA law allows and the Mt San Antonio College Financial Aid Department exercises the right for an institution to disclose without eligible student consent to certain entities and individuals (third-party) as follows per 34 CFR Sec 99.31:

School officials<sup>[2]</sup> with a legitimate educational interest<sup>[3]</sup>;

- A contractor, consultant, volunteer, or other party to whom institutional services or functions have been outsourced for a service or function otherwise performed by an employee
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection to financial aid for the student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities within a juvenile justice system pursuant to Specific state law;
- Disclosure of education records is permitted to the INS for international students who have signed a Form I-20 or who are attending under an M-1 or J-1 Visa

Other than the above authorized individuals/entities, and with the exception of directory”<sup>[4]</sup> information, Mt SAC’s Financial Aid Office WILL NOT release information about a student’s financial aid records to a third party without written authorization by the eligible student. Any documentation submitted by a student and/or the student’s parents (including details of the student’s award package), is considered confidential and will not be released without written consent. Please note that the eligible student’s consent to disclose to a third-party does not authorize the Financial Aid staff to disclose any information on another individual’s information contained in the FAFSA or any financial aid file; this includes parent information.

The eligible student is hereby informed that the following are considered Financial Aid education records and will be disclosed to any person listed by the student on the “Student FERPA Information Release Form”:

- Records relating to eligibility and disbursement of Federal student aid funds
- Student account
- Federal Work-Study payroll records
- Financial aid applications
- SARs and ISIRs
- Documentation of Professional Judgment decisions
- Documentation relating to the approval or refusal to certify a student loan

- Financial aid history information (for transfer students)
- Cost of attendance information, including documentation relating to any adjustments
- Satisfactory Academic Progress status and appeal documentation
- Verification documents
- Entrance and Exit counseling records
- Any financial records including refunds, awards, and disbursements

The Mt San Antonio College “Student FERPA Information Release Form” **MUST BE SUBMITTED IN-PERSON TO THE FINANCIAL AID OFFICE and photo identification must be provided in order to confirm the student’s identity. Please note:** A new Student FERPA Information Release Form must be completed and signed each academic year.

## Right to Review Educational Records

FERPA requires the Mt San Antonio College Financial Aid Department to give the student the opportunity to review his/her educational records and request an amendment to the records if the student believes the record is inaccurate, misleading, or in violation of privacy rights.

The eligible student may review their financial aid records by a written request to the Director of Financial Aid stating the particular record he/she is requesting to inspect. If the record contains information about any other individual, the eligible student will only be given access to the records and information that pertain to him/her. Upon receiving the request, The Director of Financial Aid will make the necessary arrangements for the student’s review of the record no later than 30 days after the request was submitted, and the eligible student will be notified of the time and place to review the record.

Mt. San Antonio College Financial Aid Department is not required to provide copies of records unless an extenuating circumstance, such as the eligible student lives more than 50 miles from campus, or suffers from a disability, thus preventing the eligible student from being able to review the record on-site. Mt. San Antonio College Financial Aid Department reserves the right to charge a fee for copies.

## Right to Amend an Educational Record

If upon review, the eligible student believes the record to be inaccurate, misleading, or in violation of their privacy rights, a request for a record amendment may be initiated by the eligible student in a written request to the Director of Financial Aid. In this request, a thorough explanation of the particular record and how this record

is inaccurate, misleading, or in violation of privacy rights must be addressed. The request must also describe what amendments are being requested. The Director of Financial Aid will review the record and the eligible student will be notified of the decision according to the following procedures.

If the decision to amend is granted, the record will be amended and the student will be notified in writing that the requested amendment was granted and the record has been amended.

If the Director of Financial Aid does not find the Financial Aid Record to be inaccurate, misleading, or in violation of privacy rights and denies the request to amend, the eligible student will be notified in writing of the finding, and will be advised that he/she has the right to request a hearing to challenge the decision. A summary of the evidence, decision and the reason for the decision will be kept in the financial aid record for as long as the Financial Aid Department maintains the record.

## **Re-disclosure of a Financial Aid Education Record**

Mt San Antonio College Financial Aid Department will only disclose information from a Financial Aid education record to a third-party on the condition that the information will remain confidential and only be used for the purpose intended for the disclosure, and the third-party agrees the information will only be re-disclosed to another party upon written consent of the eligible student with the exception of those cases listed in section 99.33 of the FERPA law.

## **Record Keeping**

Per FERPA Law: The Mt San Antonio College Financial Aid Department will maintain a record of each request for access to an eligible student's financial aid educational record. The Financial Aid Department will also maintain a record for each disclosure of personally identifiable information from an eligible student's financial aid educational record, as well as the names of State and local educational authorities and Federal officials and agencies listed in Section 99.31 (a)(3) that may re-disclose personally identifiable information from the student's education records without consent under Section 99.33(b).

## **Conflict with State or Local Laws**

If the Mt San Antonio College Financial Aid Department determines that to comply with the FERPA policy creates a conflict with state or local law, the Director of Financial Aid will either notify or arrange to notify the U.S. Department of Education Family Compliance Office (the Office) within 45 days of the determination. The notification will include the text and citation of the conflicting law.

# Right to File a Complaint

The eligible student has the right to file a written complaint with the Office regarding an alleged violation of FERPA regulations on the part of the Mt San Antonio College Financial Aid Department. The Office will investigate a timely complaint filed by an eligible student, or conduct its own investigation when no complaint has been filed or a complaint has been withdrawn, to determine whether the Mt San Antonio College Financial Aid Department failed to comply with FERPA regulations. The Office defines a timely complaint as submitted within 180 days of the date of the alleged violation or the date that the complainant knew or reasonably should have known of the alleged violation.

The written complaint may be sent to:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202

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[1] Financial aid educational record is defined as any financial aid record/file in handwriting, print, electronic form, tapes, film or other medium maintained by the Mt San Antonio College Financial Aid Department or agent of the Financial Aid Department (FA dept) to whom the FA dept has outsourced to provide financial aid services or functions

[2] School official is generally defined to include parties such as: professors, instructors, administrators, health staff, counselors, attorneys, clerical staff, trustees, members of committees, disciplinary boards, a contractor, volunteer, or other party to whom the FA dept has outsourced institutional services or functions

[3] Legitimate educational interest is generally defined as any official who has a need to review an education record in order to fulfill his /her professional responsibility

[4] Directory information is defined as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy such as name, address, email address, telephone listing, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous educational agency or institution attended, grade level or year, and enrollment status.

Directory information will be disclosed without prior written consent unless notified in writing by the eligible student to not disclose. The request will be honored until the eligible student submits a request to void the nondisclosure.

## **Right to Challenge**

For specific information on a student's "Right to Challenge" a Financial Aid decision determination, visit the Financial Aid Office's "[Right to Challenge](/financialaid/resources/policies/right-to-challenge.html)" page (</financialaid/resources/policies/right-to-challenge.html>).

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Mt. San Antonio College

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