

FERPA

I. Purpose

The Family Educational Rights and Privacy Act (FERPA) 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. Western Dakota Technical College (WDTC) is committed to protecting the privacy of student education records. This policy details WDTC's response to the provisions of this act.

II. General Statement of Policy

- A. FERPA gives eligible students the right to inspect and review their education records maintained by WDTC within 45 days after the day WDTC receives a request for access. A student should submit to the Registrar's Office a written request that identifies the record(s) the student wishes to inspect. The school 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. WDTC is not required to provide copies of records unless, for reasons such as great distance, it is impractical for eligible students to review the records. WDTC may charge a fee for copies.
- B. Eligible students have the right to request through the Registrar's Office 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 school to amend a record should write the school 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 Registrar's Office decides not to amend the record, the eligible student then has the right to appeal the decision to the VP for Institutional Effectiveness and Student Success. If the VP for Institutional Effectiveness and Student Success denies the appeal, the eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- C. Generally, WDTC must have written permission from the eligible student in order to release any information from a student's education record. However, FERPA allows WDTC to disclose those records, without consent, to the following parties or under the following conditions:
 - To other school officials, including teachers, within WDTC 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.

- 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.
- 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. Disclosures under this provision may be made 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 personally identifiable information (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. 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. 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. To accrediting organizations to carry out their accrediting functions. To parents of an eligible student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena (records released after a notification to student and a 14-day waiting period from date notification was sent).
- To appropriate officials in connection with a health or safety emergency.
- Information the school has designated as "directory information".
- State and local authorities, within a juvenile justice system, pursuant to specific state law.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- To the general public, the final results of a disciplinary proceeding if the school 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 school's rules or policies with respect to the allegation made against him or her.
- 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.

D. The following items are considered public data/information and may be disclosed by WDTC in response to inquiries concerning individual students, whether the inquiries are in person, in writing, or over the telephone:

- Name
- Affirmation of enrollment status
- Campus location

E. Unless students have officially filed a written request with the Registrar's Office within seven calendar days after the first day of the semester stating that disclosures cannot be made without their written permission, the following items, in addition to those above, are considered public/directory information and may be included in appropriate college directories and publications and may be disclosed by designated staff members in response to inquiries concerning individual students, whether the inquiries are in person, in writing, or over the telephone:

- School, college, department, program, or division
- Dates of enrollment
- Degrees received
- Honors received
- Photo
- Local address and phone number
- Home address (permanent)
- Student email address
- Participation in officially recognized activities and sports

F. WDTC has the responsibility for effectively supervising any access to and/or release of official data/information about its students. Certain items of information about individual students are fundamental to the educational process and must be recorded. This recorded information concerning students must be used only for clearly-defined purposes, must be safeguarded and controlled to avoid violations of personal privacy, and must be appropriately disposed of when the justification for its collection and retention no longer exists.

G. For additional information or technical assistance, individuals may call 1-800-872-5327 or write Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-5920. Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339.

III. Definitions

- A. For the purpose of this policy a “student” is defined as an individual who has attended at least one credit-bearing course at WDTC.
- B. “Eligible students” are students who have attended at least one credit-bearing course at WDTC, regardless of age, during the attendance period defined by the College, for whom records are maintained. Rights of students under age 18 are transferred from the parent to the student upon the student’s enrollment in higher education.
- C. “Education record” means any information or data maintained by the College that is directly related to the student.
- D. “Directory information” is information WDTC has identified as information that can be released without permission from the student.
- E. A “school official” is a member of WDTC acting in the student’s educational interests within the limitations of their “need to know”.
- F. A “FERPA breach” is any instance in which there is an unauthorized release or access of personally identifiable information or other information not suitable for public release.

IV. Reporting Procedures

- A. When a FERPA breach is committed or when it is recognized that someone else has committed a FERPA breach, whether intentional or accidental, the employee must report the FERPA breach to their direct supervisor and the VP for Institutional Effectiveness and Student Success so the breach and any resulting training or process changes can be reported to the Federal government for compliance purposes.

V. Dissemination of Policy and Training

- A. This policy shall appear on the WDTC website and in the WDTC Student Handbook.
- B. The College will provide FERPA training to all current employees each fall semester and to all new employees upon hire. Upon employment with WDTC and annually thereafter, all WDTC employees are required to complete an online FERPA training.

Legal References: [34 CFR Part 99; 20 U.S.C. § 1232g - Family Educational Rights and Privacy Act of 1974](#)

Board Approved 03/18/2019; Committee Reviewed 5/13/2020; Committee Reviewed 4/28/2021; Committee Reviewed 11/23/2021; Committee Reviewed 10/31/2022; Committee Reviewed 7/9/2024