

EDUCATIONAL RECORDS AND CONFIDENTIALITY OF STUDENT RECORDS

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The privacy of all student academic and financial records is protected against unwarranted disclosure. 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 is 18 years of age or older or who attends a postsecondary institution at any age. These rights include:

1. The right to inspect and review the student’s education records within 45 days after the day Beth Medrash Govoha (“School” or “Institution”) 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 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.
2. The right to request the amendment of the student’s education record 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 school decides not to amend the record as requested, the school 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. After the hearing, if the decision is upheld not to amend the record, the student has a right to insert a statement into the record.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student’s education records, except to the extent that FERPA authorizes disclosure without consent. A student must provide a signed and dated written consent. The consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Beth Medrash Govoha discloses education records without a student’s prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by Beth Medrash Govoha 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 school official also may include a volunteer or contractor outside of Beth Medrash Govoha who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as

attorney, third-party servicer, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for Beth Medrash Govoha. Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Beth Medrash Govoha to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Student Privacy Policy Office
400 Maryland Ave, SW
Washington, DC 20202-8520

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. Beth Medrash Govoha may disclose PII from the education records without obtaining prior written consent of the student:

- To other school officials, including teachers, within Beth Medrash Govoha 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) (2) are met. (§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 school's State-supported education programs. Disclosures under this provision maybe 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 school, 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 parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- 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 school has designated as “directory information” under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime subject to the requirements of §99.39 and §99.31(a)(13)
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39 and §99.31(a)(14)
- To a caseworker or representative of a State or local child welfare agency or tribal organization legally responsible for the care and protection of a student placed in foster care, pursuant to the Uninterrupted Scholars Act (20 U.S.C. § 1232g(b)(1)(L)).
- 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))

DIRECTORY INFORMATION NOTICE

Over the course of each year, the administration of Beth Medrash Govoha receives varied requests for general and specific information on students. Beth Medrash Govoha also posts seating location lists for all students in the various study halls as well as promotional material with photos of the study halls and students. We also receive occasional requests from various institutions and local directories for mailing lists that contain names, addresses and phone numbers of students. (These mailing lists do not contain any financial or donor information.)

The faculty also receives more detailed background inquiries about students, such as those from prospective employers, banks seeking student verification, and other interested parties. Beth Medrash Govoha is sensitive to the privacy of the information that it has on its students and releases only the minimal amount of information possible to satisfy these requests, as appropriate based on the specific circumstances.

According to the Federal Family Educational Rights and Privacy Act (FERPA) (20 USC §1232g; 34 CFR part 99), the Institution is permitted to release information it has designated as directory information. The information the Institution has designated as directory information is student’s name and status (fulltime or part-time, current or alumnus), address, telephone number, cell phone number, email address, marital status and marriage date, spouse’s name, spouse’s cell phone number, spouse’s email address, date and place of birth, dates of attendance, chaburah, chavrusah, program of study, grade level, seat location, roommates, photo, video, dormitory building and room number, parents’ and in-laws’ names, addresses, phone numbers, cell phone numbers, occupations, congregation, and similar background information, and names

of prior institutions attended. Parents and students have the right to request that we not disclose any or all directory information. Requests can be made by completing, within one week of the semester start date, a form that is available in the Registrar's Office. Any request past that date will take effect the following semester. For a notification of your rights under FERPA, please see above or visit yeshivanotices.org.