

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974 is a Federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of the student education records.

Responsibly: Program Director, Applicant, Student

Standard: Human Resources

JRCERT 2021 Radiography Standards: 1.4

US Department of Education: Family Educational Rights and Privacy Act

The Family Education Rights and Privacy Act (FERPA) protects the privacy of student educational records. Students have specific, protected rights regarding the release of such records and FERPA requires that institutions adhere strictly to these guidelines.

Educational Records

Educational records are defined by FERPA as:

Records that directly relate to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution.

A student has the right to know about the purpose, content, and location of information kept as a part of his or her educational records. The student also has a right to expect that information in his or her educational records will be kept confidential unless they give permission to the Program to disclose such information.

Following FERPA guidelines, Regional West Medical Center School of Radiologic Technology identifies the following rights of students regarding educational records:

The student has:

- The right to access educational records kept by the Program
 - Student should contact the Program Director to make an appointment for viewing educational records
- The right to demand educational records be disclosed only with student consent;
- The right to amend educational records;
 - The student must make a request for amendment to the record in writing, clearly identifying the part of the records meant to be changed, and specifying what in the record is inaccurate or misleading.
 - If Regional West Medical Center School of Radiologic Technology decides not to

amend the record as requested by the student, Regional West Medical Center School of Radiologic Technology will notify the student of the decision and advise the student of his or her right for a hearing regarding the request for amendment.

- The student should use the appeal process found in the Grievance Policy when a dispute arises regarding a requested amendment to the student's record
- The right to file complaints against the Program for disclosing educational records in violation of FERPA.
 - Contact :
Family Policy Compliance Office U.S. Department of Education 400
Maryland Avenue, SW
Washington, D.C. 20202-5920
Phone: 1-800-USA-LEARN (1-800-872-5327)
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

This information can also include records kept by the Program in the form of student files, student system databases kept in storage devices such as servers, or any recording media. Routinely the Program Officials are responsible for maintaining student records.

Records Not Considered As Educational Records

Regional West Medical Center School of Radiologic Technology identifies the following items are not considered educational records as described by FERPA:

- Private notes of individual staff or faculty (NOT kept in student advising folders)
- Campus police records
- Medical records
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.

Faculty notes, data compilation, and administrative records kept **exclusively** by the maker of the records that are **not accessible or revealed to anyone else** are not considered educational records and, therefore, fall outside of the FERPA disclosure guidelines.

Two Types of Educational Records There are two types of educational records as defined under FERPA. Each type of educational record is afforded different disclosure protections.

1. Directory Information

Some information in a student's educational record is defined as directory information under FERPA. Under a strict reading of FERPA, the Program may disclose this type of information without the written consent of the student.

Directory information used by Regional West Medical Center School of Radiologic

Technology includes:

Name
Address
Phone
number
E-mail address

Routinely the above information is made available only to students, instructors, and the clinical education settings.

If a third party calls asking about information about a student, the routine will be to obtain a phone number from the caller and have the student call the person back. However, the student can exercise the option to restrict the release of directory information by submitting a formal request to the Program to limit disclosure. (See attached form- Directory Item Restrictions). A student wishing to exercise his or her right about restriction of the student's personal information should return the attached form.

2. Non-directory Information

Non-directory information is any educational record not considered directory information. Non-directory information must not be released to anyone, including the student's parents, without the student's written consent. Further, faculty and staff can access non- directory information only if they have a legitimate academic need to do so. Non-directory information may include:

- Social security numbers;
- Student identification number;
- Race, ethnicity, and/or nationality;
- Gender
- Transcripts

Regional West Medical Center School of Radiologic Technology accords all the rights under the law to students who are declared independent. No one outside the Program shall have access to, nor will the Program disclose any information concerning student's educational records without the written consent of the student.

Exceptions to this statement are: personnel within the institution individually or collectively, acting in the students' educational interest; to aid accrediting agencies in carrying out their accreditation function; to persons in compliance with a judicial order; to academic institutions where the student is co-registered; and to persons in an emergency in order to protect the health or safety of students or other persons.

Transcripts are non-directory information and, therefore, are protected educational records under FERPA. Students have a right to privacy regarding transcripts held by the Program when third

parties seek transcript copies.

Regional West Medical Center School of Radiologic Technology requires that students submit a written request or an e-mail request specifically from the individual to have transcripts sent to any third party as the privilege of privacy of this information is held by the student under FERPA.

Regional West Medical Center School of Radiologic Technology will not fax transcripts because this process cannot guarantee complete security of the information as a result of transmission.

Disclosure of Educational Records to Parents of Dependent Children

Students may give their parent(s) or guardian(s) permission to access their records or grades by providing a signed and dated request to the Program Director.

A parent or guardian may request access to his or her student's records and grades without student consent if the student is a dependent according to the IRS tax code. This requires submission of the Form for Disclosure to Parents of Dependent Students and Consent Form for Disclosure to Parents. The student completes part A.

If the student indicates that he or she is a dependent student, or completes Part B then a copy of this policy and the consent forms will be provided to the parents.

In order for students and parents of dependent students to be knowledgeable regarding disclosure practices of Regional West Medical Center School of Radiologic Technology, the Program will annually provide required information to students and to parents of a dependent student.

IRS definition of Child dependent

- **Relationship test:** The child must be your child, either by birth, adoption or by being placed in your home as a foster child. Even if the adoption isn't yet final, if the child is living with you and the process is under way, it counts. A dependent child can also be your brother, sister, stepbrother, stepsister or a descendent of one of these relatives.
- **Residency test:** The child must live with you for more than half of the year. If the youth is away temporarily for special circumstances, such as for school, vacation, medical treatment, military service or detention in a juvenile facility, these particular absences still count as time lived at home. A child who was born or died during the year is considered to have lived with you for the entire year if your home was the child's home for the entire time he or she was alive during the year.
- **Age test:** A child must be under a certain age, depending on the

particular tax benefit. For the dependency exemption, the child must be younger than 19 at the end of the year. However, a youth who was a student at the end of the year can be claimed as long as he or she is younger than age 24. There is no age limit where the individual is permanently and totally disabled.

- **Support test:** This refers to the youngster's contributions, not those of adults in the family. To qualify as a dependent, the child cannot provide more than half of his or her own support during the year.

Prior Written Consent

On occasion Regional West Medical Center School of Radiologic Technology may desire to disclose non-directory information regarding a student. When this event occurs, the Program shall obtain permission from the student using the attached form

Prior written consent is not required when disclosure is made directly to the student or to other Program officials within the same institution where there is a legitimate educational interest. A legitimate educational interest may include enrollment or transfer matters, financial aid issues, or information requested by regional accrediting organizations or programmatic accrediting agencies.

Regional West Medical Center School of Radiologic Technology will not obtain prior written consent to disclose non-directory information where the health and safety of the student is at issue; when complying with a judicial order or subpoena; or where, as a result of a crime of violence, a disciplinary hearing was conducted by the Program, a final decision was recorded, and the alleged victim seeks disclosure.

Signature
Stephanie Cannon, MSRS, RT(R)(ARRT)
Program Director

Signature
Joshua Lively, MHA, BSRT(R), RT (R)(VI)(ARRT)
Director of Imaging Services

Reviewed: 12/27/99, 3/28/00, 3/28/02, 07/02/09, 2/9/12, 3/7/13, 2/28/14, 2/12/16, 1/26/18, 1/24/19, 4/27/2020, 9/21/21, 2/10/22, 2/3/23

Revised: 6/28/05, 3/29/07, 7/14/11, 1/30/15, 1/20/17

Regional West Medical Center School of Radiologic Technology Notification of Rights under FERPA for Postsecondary Institutions

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 Regional West Medical Center School of Radiologic Technology receives a request for access. A student should submit to the registrar, dean, head of the academic department, or program director 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 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 Regional West Medical Center School of Radiologic Technology to amend a record should write the program director, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If Regional West Medical Center School of Radiologic Technology decides not to amend the record as requested, Regional West Medical Center School of Radiologic Technology 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 Regional West Medical Center School of Radiologic Technology discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

Regional West Medical Center School of Radiologic Technology 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 typically includes a person employed by Regional West Medical Center School of Radiologic Technology 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 Regional West Medical Center School of Radiologic Technology who performs an institutional service of 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 an attorney, auditor, 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 Regional West Medical Center School of Radiologic Technology.

Regional West Medical Center School of Radiologic Technology also discloses education records without consent to officials of another school in which a student is concurrently enrolled.

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4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Regional West Medical Center School of Radiologic Technology 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

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. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —

- To other school officials, including teachers, within Regional West Medical Center School of Radiologic Technology 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)(3) 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 university'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 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))

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- 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 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. (§ 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 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))

Created 1/2019

REGIONAL WEST MEDICAL CENTER SCHOOL OF RADIOLOGIC TECHNOLOGY
RECEIPT OF FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

I have received a copy of Regional West Medical Center School of Radiologic Technology Policies regarding Family Educational Rights and Privacy Act.

I have received a copy of the Notification of Rights under FERPA for Postsecondary Institutions

Signature

Date

Printed Name

REGIONAL WEST MEDICAL CENTER SCHOOL OF RADIOLOGIC TECHNOLOGY

DIRECTORY ITEM RESTRICTIONS FORM

I wish to limit the information made available to the Program directory:

Indicate only the items not to be listed in the directory

Name

Address

Phone number

E-mail address

Print Name

Date

Signature

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PRIOR WRITTEN CONSENT FORM

I give permission for Regional West Medical Center School of Radiologic Technology to disclose non-directory information regarding my educational records for the following reasons:

The party and address to which the disclosure is being made are:

Name

Address

City State Zip Code

The only type of information that is to be released under this consent is:

- transcript
 all records
 other (specify) _____

The purpose of the disclosure is:

I have a right to inspect any written records released pursuant to this Consent. I understand I may revoke this Consent by making a written request.

Print Name of Student

Signature of the student

Date

Program Director

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Form reviewed 1/2019, 2/3/23

REGIONAL WEST MEDICAL CENTER SCHOOL OF RADIOLOGIC TECHNOLOGY
FORM FOR DISCLOSURE TO PARENTS OF DEPENDENT STUDENTS
REQUEST FROM PARENT OF A DEPENDENT CHILD

Student's First Name	Middle Initial	Last Name
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To be completed by the Parent(s) of the above listed student. In lieu of a student's signed release, attach a copy of your most recent tax return to certify that he or she is your dependent according to Section 152 of the Internal Revenue Code. This request is valid for only the current academic year. Since the IRS dependency can change annually, you must submit copies of your tax forms each year along with this form to continue access to your student's records.

Please submit this completed form to the:

Program Director
Regional West Medical Center School of
Radiologic Technology 4021 Ave B
Scottsbluff NE 69361

In order to gain access to my son/daughter financial and or academic records, I certify that I am the parent/guardian of _____ and that she or he is dependent According to Section 152 of the Internal Revenue Code.

Parent/Guardian Signature	Print Name
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Date: _____

Parent Address: _____

Note to Parent(s)/Guardians: If your child is not a dependent as defined by IRS standards, the Program will only be able to release information about his or her financial and academic records if she or he completes written consent to release the education records to you.

In the case of divorce or separation where only one parent claims the child as a dependent, Regional West Medical Center School of Radiologic Technology grants equal access to financial and academic records to the other parent if the information for both parents is provided by the student.

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Form Reviewed 2/3/23