

Family Educational Rights and Privacy Act of 1974 (FERPA) Notification to Students

The Family Educational Rights and Privacy Act (FERPA) provides 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. An “education record” is any record maintained by Vista College or Computer Career Center, a Division of Vista College (“Vista”) that is directly related to a student.

The rights afforded under FERPA include:

1. The student’s right to inspect and review his or her education records within 45 days after the day Vista receives a request for access. A student will submit a written request to the Registrar, Director of Education or Campus Director identifying the record(s) the student wishes to inspect. The Vista official will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. The right to request an amendment of the education records including information that the student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.
 - a. The student will submit a written request to the Director of Education or Campus Director to request an amendment to an education record, specifying the part of the record the student wants changed and why it should be changed.
 - b. If Vista determines not to amend the record as requested, Vista will notify the student in writing of the decision and of the student’s right to a hearing regarding the decision. Additional information regarding the hearing process will be provided to the student when notified of the scheduled hearing. The student may request that a note be included in the record if the request is denied.
3. The right to provide written consent before Vista discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
4. Except for disclosures to Vista 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 Vista to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.
5. The right to file a complaint with the U.S. Department of Education concerning alleged FERPA infractions committed by Vista. 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

Permitted Disclosure of Education Records Under FERPA

Vista may disclose PII from the education records without obtaining prior written consent of the student under the following circumstances:

- To Vista Officials who have legitimate educational interests (a need to review an education record in order to fulfill professional or contractual responsibilities to Vista). “Vista Official” includes Vista employees as well as contractors, consultants, volunteers, or other parties to whom Vista 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.
- To officials of another school where the student 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. See §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. 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.

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- In connection with financial aid for which the student has applied or for which the student has received, if the information is necessary to determine eligibility for the aid, the amount of the aid, the conditions of the aid, or enforce the terms and conditions of the aid. See §99.31(a)(4).
- To organizations conducting studies for, or on behalf of, Vista, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. See §99.31(a)(6).
- To accrediting organizations to carry out their accrediting functions. See §99.31(a)(7).
- To parents of an eligible student if the student is a dependent for IRS tax purposes. See §99.31(a)(8).
- To comply with a judicial order or lawfully issued subpoena. See §99.31(a)(9).
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. See §99.31(a)(10).
- Information Vista has designated as directory information under §99.37. Vista defines directory information as:
 - Student Name
 - Dates of attendance
 - Major field of study (program), awards, and certificate/diploma/degree earned. See (§99.31(a)(11)).
- 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. See §99.31(a)(13).
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if Vista 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 Vista's rules or policies with respect to the allegation made against him or her. See §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 Vista, governing the use or possession of alcohol or a controlled substance if Vista determines the student committed a disciplinary violation and the student is under the age of 21. See §99.31(a)(15).

Records Not Available Under FERPA

Students shall have access to all education records concerning them maintained by Vista with the exception of the following:

- A personal record kept by Vista faculty or staff member which meets the following tests:
 - It is in the personal possession of the individual who made it
 - Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute
- An employment record used only in relation to a student's employment by Vista, except where an individual in attendance at Vista is employed as a result of his or her status as a student.
- Records relating to a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting that capacity, which are used in connection with providing treatment to a student, are not disclosed to anyone other than the individuals providing the treatment.
- Financial records and statements of a student's parents/legal guardians.
- Records concerning admission to an academic component of Vista, which the student never attended.
- Records that contain information about a student after he or she is no longer in attendance at Vista and the records do not relate to the time as a student.