



MT. SAN ANTONIO COLLEGE
POLICE & CAMPUS SAFETY DEPARTMENT

TRAINING OUTLINE

Family Educational Rights and Privacy Act (FERPA)

Training Summary:

- 1) Student records (including whether a student is enrolled, class schedule, etc.) are confidential and **cannot** be released to anyone outside of Mt. SAC **unless** “disclosure is necessary to protect the health or safety of the student or other individuals” (e.g., active violent felony warrant).
- 2) Law enforcement records are **not** considered student records.
- 3) Bottom line: We can release information we put into our records management system. We cannot release information found in a Mt. SAC database. Instead, refer the person asking to Human Resources or Dean of Enrollment Management.

Training Details:

I. What Is FERPA?

- A. The Family Educational Rights and Privacy Act (FERPA) provides certain rights for parents regarding their children’s education records. When a student turns 18 or attends a college at any age, the student becomes an “eligible student,” and all rights under FERPA transfer from the parent to the student.
- B. FERPA protects “education records,” which are generally defined as records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution (includes video surveillance used in a disciplinary process).

II. Disclosure of Education Records

- A. Under FERPA, a school generally may **not** disclose personally identifiable information (PII) from a student’s education records to a third party **unless the student has provided prior written consent** (even to parents for college students under 18).
- B. However, there are a number of exceptions to FERPA’s general consent requirement, some of which are described below. Under these exceptions, schools are permitted to disclose PII from education records without consent, but they are not required to do so by FERPA.



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III. Exceptions

A. Law Enforcement Records

1. "Law enforcement unit records" (i.e., records created by a law enforcement unit at the educational agency or institution, created for a law enforcement purpose, and maintained by the law enforcement unit) are not "education records" subject to the privacy protections of FERPA.
2. As such, the law enforcement unit may disclose law enforcement unit records to third parties without the student's prior written consent.

B. Emergencies

1. In some situations, school administrators may determine that it is necessary to disclose PII from a student's education records to appropriate parties to address a health or safety emergency.
2. FERPA's health or safety emergency provision permits such disclosures when the disclosure is necessary to protect the health or safety of the student or other individuals. See CFR §§ 99.31(a)(10) and 99.36.
3. This exception to FERPA's general consent requirement is limited to the period of the emergency and generally does not allow for a blanket release of PII from a student's education records. Rather, these disclosures must be related to an actual, impending, or imminent emergency, such as a natural disaster, a terrorist attack, a campus shooting, or the outbreak of an epidemic disease.
4. In Administrative Procedure (AP) 5040 under Release of Student Records Information, bullet point number 2 states, "The College may permit access to student records only to the official agencies, groups, officials, or individuals specifically mentioned below:
 - (h) Appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health and safety of the student or other persons; and
 - (i) Courts or other agencies in compliance with a lawfully issued subpoena or judicial order. The College will make a reasonable effort to notify the student in advance of the compliance by the College.
5. Under Transfer of Information to Third Parties, AP 5040 further states, "Law enforcement personnel seeking to arrest or talk with a student are to be referred to the Department of [Police and Campus] Safety, who will consult



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with the Office of Student Life and the Office of Instruction. **The student will not be identified nor located for the officer without written consent of the student or a judicial order**, except in case of emergencies to protect the health and welfare of students, other persons, or property (Education Code Section 76243).

C. Directory Information

1. FERPA also permits a school to disclose PII from a student's education records, without consent, when such information has been appropriately designated as "directory information" and the student has not opted out of the disclosure of such designated information.
2. Directory information may include information such as the student's name, address, telephone number, email address, photograph, date of birth, major, enrollment status (e.g., full-time or part-time), and dates of attendance. However, Mt. SAC treats Directory Info as confidential in most instances.

D. School Official

1. FERPA allows "school officials," including teachers, within the school to obtain access to PII from education records without consent, provided that the school has determined the officials have a "legitimate educational interest" in the information.

Sample Scenarios:

- 1) West Covina Police Department asks you for a person's class schedule because they:
 - a. need to talk to a suspect/victim/witness,
 - b. they have a warrant for a person's arrest, or
 - c. they have information that a person is armed and plans to shoot up the school.
- 2) LASD calls to say they found a wallet with a Mt. SAC student ID. They would like the student's phone number, so they can return the wallet.