



# 2023 Notification of Rights Under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy Act (FERPA) affords eligible learners certain rights with respect to their education records. (An “eligible learner” under FERPA is a learner 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 learner's education records within 45 days after the day the Nightingale (the College) receives a request for access. A learner should submit to the registrar, dean, head of the academic department, [or other appropriate official,] a written request that identifies the record(s) the learner wishes to inspect. The school official will make arrangements for access and notify the learner 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 learner of the correct official to whom the request should be addressed.
2. The right to request the amendment of the learner’s education records that the learner believes is inaccurate, misleading, or otherwise in violation of the learner’s privacy rights under FERPA.

A learner who wishes to ask Nightingale to amend a record should write to the Registrar, clearly identifying the part of the record the learner wants changed and specifying why it should be changed.

If Nightingale decides not to amend the record as requested, the College will notify the learner in writing of the decision and the learner’s right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the learner when notified of the right to a hearing.

3. The right to provide written consent before the College discloses personally identifiable information (PII) from the learner's education records, except to the extent that FERPA authorizes disclosure without consent.



Nightingale discloses education records without a learner's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the College 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 learner serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College 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 personal identifying information (PII) from education records, such as an attorney, auditor, or collection agent or a learner 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 to fulfill his or her professional responsibilities for the College.

Upon request, the College also discloses education records without consent to officials of another school in which a learner seeks or intends to enroll.

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

Learner Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

See the list below of the disclosures that postsecondary institutions may make without consent.

FERPA permits the disclosure of PII from learners' education records, without consent of the learner, 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 learner, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible learners 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 learner —

- To other school officials, including faculty, within the College 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 learner seeks or intends to enroll, or where the learner is already enrolled if the disclosure is for purposes related to the learner'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 learner has applied or which the learner 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, to: (a) develop, validate, or administer predictive tests; (b) administer learner aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to perform their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible learner if the learner is 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 of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the

results of the disciplinary proceedings 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 learner is an alleged perpetrator of a crime of violence or non-forcible sex offense and the learner 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 learner regarding the learner'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 learner committed a disciplinary violation and the learner is under the age of twenty-one. (§99.31(a)(15))