



## Annual Notification of FERPA Rights

The Family Educational Rights and Privacy Act (FERPA) afford 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. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Blackhawk Technical College (BTC) receives a written request for access. A student should submit to the registrar, 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 it is not reasonable for a student to appear at the administrative offices arrangements will be made to share the records via another reasonable method. 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. At the time of viewing, the student will present some form of picture identification, such as a valid driver's license, before being allowed to view the record.
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.
3. A student may ask BTC to amend a record that you believe is inaccurate or misleading. You should write to the V.P. of Student Services, clearly identifying the part of the record you want changed, and specify why it is inaccurate or misleading. Requests may be sent to:

Blackhawk Technical College  
V.P. of Student Services 6004 S. Cty. Rd. G.  
P.O. Box 5009 Janesville, WI 53547-5009

If BTC decides not to amend the record as you requested, BTC will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when you are notified of the right to a hearing.

4. The right to consent to disclosures of personally identifiable information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (see section on exceptions below).

The school 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 Blackhawk Technical College in an administrative, supervisory, academic, research, or support staff position; 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 the Blackhawk Technical College 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 an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if



the official needs to review an education record in order to fulfill his or her professional responsibilities for Blackhawk Technical College.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures of the College 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  
600 Independence Avenue, SW  
Washington, D.C. 20202-4605

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.

## EXCEPTIONS UNDER FERPA

Under certain conditions, as authorized by FERPA, information can be released without student consent 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.

Generally, schools must have written permission from the eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records without consent, to the following parties or under the following conditions (34 DFR § 99.31):

- To other school officials, including teachers, within Blackhawk Technical 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)(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 college'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)

- The College must release, without consent or knowledge of the student, personally identifiable information from a student's education record to the Attorney General of the United States or his/her designee in connection with the investigation or prosecution of terrorism crimes specified in sections 233b (g)(5)(B) and 2331 of Title 18, U.S. Code.
- 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 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))
- To U.S. Military in accordance with federal law, the College must release to the U.S. Armed Forces student name, address, phone number, date of birth, and field of study.



Blackhawk Technical College has designated certain types of information as “Directory Information,” which may be disclosed without a student’s consent.

Directory Information: The use of the term *Directory Information* does not imply that the College actually has a document containing Student Directory Information, or that the College has any obligation to produce such a document. The term *Directory Information* is a legal term applying to that information that the college can release, without student consent, to any third party. The College has defined *Directory Information* as the following:

- Student Name
- Student Address and Phone Number Date and Place of Birth
- Full-time or Part-time Status Major Field of Study
- Dates of Attendance
- Credits Earned Toward a Diploma Degrees and Awards Received
- Photos and Videos of Students for use in College Press Releases, Publications, and Websites
- BTC Assigned Student Email Accounts

Students have the right to restrict the disclosure of *Directory Information* at any time. To restrict the disclosure of *Directory Information*, a student may file a *Privacy Request Form* to the Express Services or Registration Offices on the Central or Monroe Campuses. The request to restrict disclosure of *Directory Information* will be honored until such time as the student notifies the Express Services or Registration Offices, in writing, to the contrary.

Written Release: Personnel employed by the College who have consent in the form of a written release of information, signed by the student, may disclose student information to appropriate outside agencies or persons.

Note: A record of disclosure will be maintained within a student’s file indicating when information has been released from that file and to whom.

Note: A fee of five dollars may be assessed for the copying of all or a portion of a student record.