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The Family Educational Rights and Privacy Act **(FERPA) School Policy**

The Fab School protects the privacy and confidentiality of all student records. The Family Rights and Privacy Act of 1974 prohibits an institution from releasing the school records or any other information about a student to any third-party without the written consent of the student, with the exception of regulatory education agencies.

Students have the right to inspect, review, and challenge information contained in their educational records file. Educational records are defined as files, materials, and documents that contain information directly related to the student and are maintained by The Fab School's Administration. Parents of minor students or parents of tax dependent students may, with prior written notification from the student, inspect, review, and challenge information contained in the student's records.

Student records are retained by The Fab School for a period of not less than five (5) years from the date the student graduates, withdraws or otherwise ceases to be enrolled. Student transcripts will also be permanently retained by The Fab School from the date the student graduates, withdraws or otherwise ceases to be enrolled, and will contain the awarded Certificate granted and the date on which such Certificate was granted, as well as the courses and respective earned grades on which the Certificate was based.

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 The Fab School receives a request for access. A student should submit to the Student Services Coordinator or Executive Director a written request that identifies the record(s) the student wishes to inspect. The Fab School's 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 designated school official to whom the request was submitted, that school 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 the school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

Should The Fab School decide not to amend the record as requested, The Fab School 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 The Fab School discloses Personally Identifiable Information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The Fab 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 typically includes a person employed by The Fab School 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 The Fab School who performs an institutional service of function for which The Fab School would otherwise use its own employees and who is under the direct control of The Fab School with respect to the use and maintenance of Personal Identifiable Information 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 The Fab School.

Upon request, The Fab School also will also disclose education records without consent to officials of another school in which a student seeks or intends to enroll. FERPA requires a school to make a reasonable attempt to notify each student of these disclosures, unless the institution states in its annual notification that it intends to forward records on a written request, authorized or initiated by the student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by The Fab School 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

In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA. The Fab School may disclose appropriately designated directory information without written consent, unless you have advised the school to the contrary in accordance with The Fab School procedures. The primary purpose of directory information is to allow the school to include this type of information from your education records in certain school publications. Examples include:

- Honor roll or other recognition lists; and
- Graduation Programs

The Fab School has designated the following information as directory information: Student's name, photograph, field of study, period of enrollment and status, honors, and awards received.

If you do not want The Fab School to disclose directory information from your education records without your prior written consent, you must notify the school in writing. Students can prohibit the disclosure of directory information by completing the FERPA Revocation Form or by submitting a written request to the Executive Director. The written request should be dated and signed by the student.

The Fab School may also disclose student information to emergency personnel in the event of a significant health or safety emergency that presents imminent danger or in a situation that requires the immediate need for information from education records in order to avert or diffuse serious threats to the safety or health of a student or other individuals. Any release will be narrowly tailored considering the immediacy, magnitude, and specificity of information concerning the emergency. Any release is temporarily limited to the period of the emergency.

The following is a list of the types of disclosures that The Fab School, as a postsecondary institution, may make without consent.

FERPA permits the disclosure of Personally Identifiable Information 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 Personally Identifiable Information from the education records without obtaining prior written consent of the student:

- To other school officials, including teachers, within [School] 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))
- 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))