



**Office of Financial Aid**  
18422 Bear Valley Road  
Victorville, CA 92395  
Telephone: 760.245.2277  
Fax: 760.243.3913

## Procedure for File Inspection and Records Requests

FERPA provides certain rights for parents regarding their children's education records. When a student reaches 18 years of age or attends an institution of postsecondary education at any age, the student becomes an "eligible student," and all rights under FERPA transfer from the parent to the student. This guide provides general information on an eligible student's rights under FERPA. Find more information from the US Department of Education: [Student & Parent Guides to the Family Educational Rights and Privacy Act](#).

### **FERPA applies to the Financial Aid Office**

Records created and maintained by the financial aid office are considered to be education records and may not be disclosed without the student's consent. This includes at least all of the following records:

- Records relating to eligibility and disbursement of Federal student aid funds
- Student account
- Federal work-study payroll records
- Financial aid applications
- SARs and ISIRs
- Documentation of professional judgment decisions
- Documentation relating to a refusal to certify Federal education loans
- Financial aid history information (for transfer students)
- Cost of attendance information, including documentation relating to any adjustments
- Satisfactory Academic Progress (SAP) documentation ([information on SAP Appeals](#))
- Documents used for verification
- Entrance and exit counseling records
- Financial records

Educational records include any materials received from the student and/or parents. It also includes any records that were used to make decisions about the student. View the 2023 Statement from US Department of Education: [An Eligible Student Guide to the Family Educational Rights and Privacy Act \(FERPA\)](#) Only those records that are directly related to the student are considered to be educational records.

Although employment records are not considered education records by FERPA, student employment records are considered to be education records. So the employment records of a university employee who takes a class are not protected by FERPA, but the employment records of a work-study student are protected by FERPA. The distinction is whether the employment resulted from the individual's status as a student.

Medical records are not necessarily protected by FERPA. If such records are not protected by FERPA, they may be protected by HIPPA.

### **Format of Records**

Educational records include records, files, documents, video tapes, audio tapes, film, microfilm, microfiche, electronic records and other materials that contain information that is directly related to the student (i.e., personally identifiable information).

Certain documents must be maintained either in hardcopy format or in an imaged media format. This includes any documents for which a visible mark is used to validate authenticity, such as documents that contain a signature, seal or other certification. Examples include income tax returns, notarized documents, verification statements, and SARs.

## Record Retention

FERPA proper only requires that one keep a record of all disclosures of education records and that one retain any records that are subject to a pending disclosure request. The General Education Provisions Act, as amended by the Improving America's Schools Act of 1994, requires education records to be retained for at least three years. In most cases this means that records must be kept at least three years from the end of the award year. For some records, a different reference date is used. For example, records concerning education loans must in most cases be kept for at least three years from the end of the award year in which the student last attended.

## Right to Review and Challenge Records

FERPA also requires the school to give the student the opportunity to review his or her records and request a change to the records. If the request to change the records is denied, the student may request a hearing to challenge the contents on the grounds that the records are inaccurate, misleading, or violate the rights of the student. If the school does not amend the records after the hearing, the student has the right to place a statement in the record concerning the contested information.

While FERPA requires the school to allow the student to inspect and review his educational records, it does not require the school to provide the student with copies of those records, unless the requirement to inspect the records in person would effectively deny access to the records. No fees may be charged for retrieving the records, but a reasonable fee may be charged for providing copies of the records, provided that the fee would not prevent access to the records. The school may disclose the education records of a student to his or her parents, without the student's consent, if the student is dependent according to IRS rules (i.e., claimed as a dependent on the parents' income tax return, per IRC Section 152). This includes *both* parents even if the parents are divorced. The non-custodial parent may see the student's education records even if he or she doesn't claim the student as a dependent, so long as the other parent claims the student as a dependent. (This may also include financial records, which is often a concern to parents who are divorced. 34 CFR 99.12(b) specifies that a school does not have to permit a student to review the financial records of his parents. Accordingly, many schools have more restrictive disclosure policies, requiring consent of the individual who supplied the education records before disclosing that information to the student or the other parent.) If the student is not claimed as a dependent by his or her parents, the parents do not have the right to review the student's education records, not even if they pay the tuition bills.

If a divorce decree, separation agreement, custody agreement, restraining order, or other legally binding agreement or court order revokes a parent's right to see the student's education records, the school may not disclose the student's education records to that parent.

The student's spouse or ex-spouse does not have the right to review the student's educational records. For example, if a student's ex-spouse alleges that the student provided false information on her financial aid application, the school may not disclose the student's records to the ex-spouse. (This is a tricky situation, and the school should generally seek the advice of counsel before proceeding.) The school may receive information from the ex-spouse and treat it as conflicting information, but should take care to avoid disclosing any information in the student's file to the ex-spouse and may wish to have the ex-spouse sign a FERPA waiver if the ex-spouse is also a student. If the school receives a subpoena for the information, the school should refer the matter to the school's attorneys and wait for instructions from the attorneys before disclosing any information.

The right to inspect and review the student's education records within 45 days from the date the College receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The College 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 college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. The Office of Financial Aid will not make copies of any documents in a student's file, but a student can submit a request to inspect their records. **A written request must be sent in writing**, not email, letting VVC know which records and items they wish to inspect.

**Students can send a written request to:** 18422 Bear Valley Road, Attention: Office of Financial Aid, Victorville, CA 92395