

BROOKLYN LAW SCHOOL

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) POLICY

ISSUING AUTHORITY: The President and Dean of the Law School

RESPONSIBLE OFFICERS: The Registrar, the General Counsel, and the Vice Dean.

DATE ISSUED: February 12, 2024

I. Introduction

The Family Educational Rights and Privacy Act ("FERPA") is a Federal statute that protects the privacy of student education records. This statute applies to Brooklyn Law School based on its participation in Federal Student Aid programs.

The following policy applies to all students and employees of Brooklyn Law School.

II. Definitions

Education Records: Any record maintained by Brooklyn Law School that is directly related to a particular student, specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on tests, health data, family background information, faculty or counselor ratings and observations, and reports of behavior/conduct.

Record means any information recorded in any way, including, but not limited to writing, print, computer media, student data system, email, video or audio tape, film.

Student means any living individual who is or has been in attendance in a degree program at Brooklyn Law School for any period of time.

Disclosure means to permit access to, the release, transfer, or other communication of information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Directory Information: Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information can be released without a student's permission. At Brooklyn Law School, this non-confidential directory information includes:

Name
E-mail address
Photographs

Major field of study or degree program (e.g., JD, LLM)
Dates of attendance
Participation in officially recognized activities (e.g., moot court, law review)
Degrees, honors, and awards
Most recent educational institution attended

III. Annual Notification

Brooklyn Law School will annually notify students of their rights under FERPA in the student handbook and an email containing links to this Policy and relevant forms.

IV. Rights of Students

1. Right to Inspect: Students have the right to inspect and review their education records.
2. Right to Request Amendment: Students have the right to request the amendment of their education records if they believe them to be inaccurate. This right is to request corrections of clerical errors, not to challenge any substantive decision.
3. Right to Consent to Disclosures: As a general rule, Brooklyn Law School must have written permission from the student to release any information from a student's education record. Exceptions to this rule are discussed in section VI of this Policy.
4. Right to File a Complaint: Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Brooklyn Law School to comply with the requirements of FERPA.

V. Directory Information

Brooklyn Law School may disclose directory information without student consent, unless the student has advised the Law School to the contrary. A request to opt-out of directory information disclosure must be made by using the [Directory Information Opt-Out Form](#).

VI. Disclosure of Education Records

Disclosure based on a recognized exception to FERPA

Brooklyn Law School discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. Any disclosures absent specific consent will be based on the exceptions contained in 34 CFR § 99.31. These include disclosures to:

- a. Other schools to which a student is transferring;
- b. Specified officials for audit or evaluation purposes;
- c. Appropriate parties regarding financial aid to a student;

- d. Organizations conducting certain studies for or on behalf of the School;
- e. Accrediting organizations;
- f. To comply with a judicial order or lawfully issued subpoena;
- g. Appropriate officials in cases of health and safety emergencies; and
- h. State and local authorities, pursuant to specific State law.

Disclosure based on consent

Brooklyn Law School may disclose records based on a signed and dated written consent executed by all relevant students.

In order to be valid, the written consent must:

- (1) Specify the records that may be disclosed;
- (2) State the purpose of the disclosure; and
- (3) Identify the party or class of parties to whom the disclosure may be made.

The School is not required to disclose records to third parties based on a student's consent or demand alone.

Disclosure of de-identified information

Brooklyn Law School may release otherwise protected records or information without consent of the student(s) after the removal of all personally identifiable information, provided that the School has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

VII. Record of Requests for Disclosure

Brooklyn Law School will maintain a record of all requests for and/or disclosures of information from a student's education records. The Registrar's Office shall have responsibility for maintaining this record.

VIII. Amendment of Records

A student may request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

- i) A student may ask the Law School to amend the record that they believe is inaccurate or misleading. This right is to request corrections of clerical errors, not to challenge any substantive decision. The student should write the Registrar at julie.brown@brooklaw.edu, clearly identifying the Brooklyn Law School official responsible for the record, the part of the records they believe are inaccurate or misleading, and specify why it should be changed.

ii) If the School decides not to amend the record as requested by the student, the School will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment.

iii) A student must submit a request for hearing in writing to the Registrar's Office. The Registrar will refer the request to the Vice Dean or their designee, who will act as the hearing officer regarding all challenges to the accuracy of educational record and the denial of requested changes. The formal hearing will be conducted according to the following procedures:

- The student will be permitted to present information and materials in support of the assertion that the record is inaccurate, misleading, or otherwise erroneous.
- A representative of Brooklyn Law School will be permitted to present information and materials that support the School's position.
- Each party will be present during the hearing and may respond to and/or question information and materials of the other party.
- The hearing officer will render a written decision on the matter generally within five (5) business days after the conclusion of the hearing. The hearing officer's decision will be final.

IX. Enforcement

The Registrar's Office is responsible for implementing and enforcing FERPA regulations at Brooklyn Law School.

X. Additional Information

For additional information or assistance, students may contact the Registrar's Office:

Julie Brown, Brooklyn Law School FERPA Officer
250 Joralemon Street, Room 927, Brooklyn, New York 11201
julie.brown@brooklaw.edu, (718) 780-7918

Appendix:

- A. [Brooklyn Law School FERPA General Release Form 2024](#)
- B. [Brooklyn Law School Family Educational Rights and Privacy Act Directory Information Opt-Out Form 2024](#)
- C. [Brooklyn Law School The Family Educational Rights and Privacy Act Request to View Educational Records 2024](#)
- D. [Brooklyn Law School Appeal of Denial of Access to Education Records or to Correct 2024](#)