



Hillsboro Aero Academy FERPA Policy

Policy Statement on Protection of Rights and Privacy of Students

A. Definitions: As used in this policy, the following terms have the following meanings.

1. **Alleged Perpetrator of a Crime of Violence:** A student who is alleged to have committed acts that, if proven, would constitute any of the following offenses or attempts to commit the following offenses: arson; assault offenses; burglary; criminal homicide (manslaughter and murder); destruction, damage, or vandalism of property; kidnapping or abduction; robbery; and/or sexual assault.
2. **Attendance:** Participation in School course(s) in person, or, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom.
3. **Dates of Attendance:** The period of time during which a student attends or attended the School. The term does not include specific daily records of attendance.
4. **Directory Information:** Information contained in an Education Record of a student that by itself would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes: the student's name; date of birth; addresses (including but not limited to physical address and email address); telephone number; Student ID number; training program; student level; dates of attendance; photos or videos; for student employees, employing department and dates of employment.
The School reserves the right to amend this listing consistent with federal law and regulations and will notify students of any amendments by publication in the Annual FERPA Notification. Directory Information may only be disclosed in accordance with the provisions outlined in Section D. below.
5. **Disclosure Logs:** Documents maintained by the appropriate School records custodians that records for each request for and each disclosure of Personally Identifiable Information of a student, and that indicates everyone who has requested or obtained Personally Identifiable Information and their legitimate interests in obtaining it (other than those enumerated in section F. below).
6. **Education Records:** Any records maintained in any form or medium by the School that are directly related to a student.
7. **FERPA:** Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, et seq. as amended, and the regulations at 34 C.F.R. Part 99.
8. **Hearing Body:**
 - a. One or more persons assigned by the Vice President of Student Affairs or designee to determine whether an educational record is inaccurate, misleading or otherwise in violation of the student's privacy rights, and therefore should be amended or deleted from the student's records.
 - b. Individuals who have a direct interest in the outcome of the hearing may not serve on the Hearing Body (i.e., may not be from the School department or division with whom the student has the conflict under FERPA).
9. **Legitimate Educational Interest:** A School Official has a legitimate educational interest if it is in the educational interest of the student in question for the official to have the information, or if it is necessary for the official to obtain the information in order to carry out his or her official duties or to implement the policies of the School. Any School Official who needs information about a student in the course of performing instructional, supervisory, advisory, or administrative duties for the School has a legitimate educational interest.
10. **Parent:** Includes a parent of a student, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
11. **Personally Identifiable Information:** A student's name; the name of a student's parent or other family member; the address of a student or student's family; a personal identifier, such as the social security number or student number, or any portion thereof; biometric record (meaning, biological or behavioral characteristics used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, handwriting); other indirect identifiers, such as the student's date of birth, place of birth, and



mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

12. Student: One who is presently enrolled and attending or who has been enrolled and attended the School. It does not include deceased students.
13. Student Code: Regulations governing student conduct; also known as "The Student Code of Conduct."
14. School: for the purposes of this policy, "School" means Hillsboro Aero Academy, all campuses.
15. School Official: The term "School Official" means any person employed by the School in an administrative, supervisory, academic, research or outreach, or support staff position. The term also includes any contractor, consultant, volunteer, or other party to whom the School has outsourced institutional services or functions where the outside party—
 - a. Performs an institutional service or function for which School would otherwise use employees;
 - b. Is under the direct control of the School with respect to the use and maintenance of education records; and
 - c. Is subject to the requirements of FERPA governing the use and redisclosure of personally identifiable information from education records.

Examples of "School Officials" include, but are not limited to: attorneys, auditors, collection agents, or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another School Official in performing his or her tasks.

B. Rights of Students

1. Students of the School have a right to:

- Be provided a list of the types and location of educational records maintained by the School and the titles and contact information of the officials responsible for those records. (See appropriate link for each campus at the end of this policy);
- Inspect and review Education Records (except as excluded in section H. below), within 45 days of a written request being presented to the authorized custodian of the records in question;
- Receive a response from the School to reasonable requests for explanations and interpretations of Education Records within ten (10) business days;
- Request amendments to their Education Records if the student believes that they are inaccurate, misleading, or otherwise in violation of privacy rights. If the School refuses to make such amendments, the student shall have an opportunity for an administrative hearing to challenge the content of the record on the same grounds and to insert a written statement or explanation commenting upon the information in the record;
- Inspect and review only such parts of educational material documents as relate to him/her or to be informed of such specific information;
- Receive a copy, if desired, of all records supporting enrollment or transfer to another school, and have an opportunity for an administrative hearing to challenge the content of these records;
- Revoke, in writing, any previously executed waiver of rights under FERPA, with respect to any actions occurring after revocation
- Inspect the Disclosure Logs maintained by appropriate School record custodians with regard to the student's Education Record(s); and



- File complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S. W., Washington, D.C. 20202-4605. Complaints may also be filed with the School's Compliance Office by calling the Director of Compliance at (503) 726-3000.

C. Disclosure of Education Records. Education Records or other Personally Identifiable Information (other than Directory Information, as described in Section D. below) may not be disclosed without the student's prior written consent except in the following instances. For purposes of compliance with FERPA, the School considers all students, regardless of age or tax dependency status to be independent. Therefore, educational records will not be provided to parents without the written consent of the student, except where one or more of the exceptions below applies.

1. To the student himself/herself, unless he/she has waived the right;
2. To School Officials who have a legitimate educational interest in the records.
3. To officials of other schools in which the student seeks or intends to enroll or has enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer, and provided the student may upon request have a copy of the records so transferred;
4. In connection with determining eligibility, amounts, and conditions, or enforcing terms of financial aid for which the student has applied or that which he or she has received;
5. To comply with a judicial order or lawfully issued subpoena, provided the School makes a reasonable effort to notify the student of the order or subpoena in advance of the compliance therewith, unless such notification is not required by FERPA;
6. To appropriate parties in connection with a health and safety emergency where the School determines that there is an articulable and significant threat to a student or any other individuals, where the knowledge of such information is necessary to protect the health or safety of the student or other individuals;
7. To law enforcement agencies and to certain other governmental authorities and agencies as are enumerated in and required or permitted by FERPA;
8. To a court in connection with legal action by the School against a student or a student's parent or by a student or student's parent against the School;
9. To the parent 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 where:
 - a. The School has determined that the student has committed a disciplinary violation with respect to that use or possession; and
 - b. The student is under the age of 21 at the time of the disclosure to the parent.
10. To a victim of an Alleged Perpetrator of a Crime of Violence or a Non-forcible Sex Offense. Such disclosure may only include the final results of the disciplinary proceedings conducted by the School with respect to the alleged crime or offense. The School may disclose the final results of the disciplinary proceeding regardless of whether the School concluded a violation was committed;
11. Disclosure of the final result of a disciplinary proceeding where the alleged perpetrator-student is found to have violated School policy with respect to a criminal allegation. Such disclosure may be made (even to members of the public in certain circumstances) where the School has determined through its disciplinary proceedings that a student is (a) an Alleged Perpetrator of a Crime of Violence or a Non-forcible Sex Offense; and (b) with respect to the allegation made against the student, the student has committed a violation of the Student Code. Such a disclosure may only include the Final Results of the disciplinary proceedings conducted by the School with respect to the alleged crime or offense. The School may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.
12. To authorized representatives of the federal, state and/or local government as permitted by FERPA in connection with an audit of federal- or state-supported education programs or with the enforcement of or compliance with federal legal requirements relating to those programs.
13. To accrediting organizations to carry out their accrediting functions; and
14. To organizations conducting studies for, or on behalf of, educational agencies or institutions to:
 - a. Develop, validate, or administer predictive tests;



- b. Administer student aid programs; or
- c. Improve instruction.

Disclosures made pursuant to this paragraph are subject to the requirements that (i) the studies are conducted in a manner that does not permit personal identification of parents and students to individuals other than representatives of the organization; and (ii) the information is destroyed when no longer needed for the purposes for which the study was conducted.

15. Pursuant to a student record release request made under the Solomon Amendment. (See section E. below.)

D. Disclosure of Directory Information/Limited Directory Information Policy:

The School hereby gives notice that the categories of information defined herein as Directory Information may be released without the prior written consent of the student under the circumstances enumerated below. The School reserves its right to determine when and to whom it is appropriate to release Directory Information in response to third party requests. Any release of information deemed to be appropriate by the School will only occur as enumerated below:

1. The following categories of Directory Information may be disclosed to anyone who so requests:

- Name
- Student ID Number
- Campus
- Program
- Student Level
- Degrees, Honors & Awards Received
- Dates of Attendance
- Photographs and video images
- For Student Employees, Employing Department & Dates of Employment

2. In addition, any member of the School community with the appropriate credentials may access student email addresses, as long as the access is for School-related purposes. However, such individuals may not use any student emails accessed through this process for commercial purposes or otherwise in violation of other School policies or applicable state or federal law.

3. Opting Out of Directory Information: Students who wish to opt-out of having their directory information disclosed without their prior consent must make the request in writing. This request must be sent via email to info@flyhaa.com. Such requests shall apply only to subsequent actions by the School and shall remain in place until removed by written request of the student. A student may not use the right to opt out of Directory Information disclosures to prevent the School from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled. Student employees must contact Human Resources to restrict access to any employment-related Directory Information. The School will not use Social Security Numbers as a means of verifying the identity of a student, nor to confirm identity of the student upon the request for the release of Directory Information about the student.

E. Military Access to Education Records. The Solomon Amendment is not a part of FERPA, but it allows military organizations access to information for the purposes of military recruiting which information may otherwise be protected from disclosure under FERPA. Failure to comply with this requirement could result in the loss of various forms of federal funding including various forms of Federal Student Aid.

1. At Hillsboro Aero Academy, all items included under the Solomon Amendment's list of required information are included within the School's definition of "Directory Information." These include name, addresses, telephone numbers, age, major, dates of attendance and degrees awarded.
2. Information released is limited to military recruiting purposes only. The request for information must be in writing on letterhead that clearly identifies the military recruiting organization. Military recruiters must be from one of the following United States military



organizations: Air Force; Air Force Reserve; Air Force National Guard; Army; Army Reserve; Army National Guard; Coast Guard; Coast Guard Reserve; Navy; Navy Reserve; Marine Corps; Marine Corps Reserve.

3. If a student requests that their Directory Information be withheld under section D.3. of this policy, the student's records will not be released to military recruiters.

F. Disclosure Logs. The appropriate School records custodian shall maintain a log of each request for and each disclosure of Personally Identifiable Information from the Education Records of a student, that indicates the persons who have requested or obtained Personally Identifiable Information and their legitimate interests in obtaining it. However, this requirement does not apply to:

1. Disclosures pursuant to the written consent of the student, when the consent is specific with respect to the party or parties to whom the disclosure is to be made;
2. Disclosures to School Officials, when it has been determined that the official has a legitimate educational interest; and
3. Disclosures of Directory Information; and
4. Disclosures to the student upon the student's own request.

G. Redisclosure. School Officials who disclose personally identifiable information from an Education Record must inform the recipient of the information that he/she/it may not redisclose that information without the consent of the student, and that the recipient may only use the information received for the purpose for which the disclosure was made, except where one of the exceptions in Section C. above applies.

H. Records Excluded from the Definition of Education Records. The following materials, information, and records which are excluded from the definition of Education Records are not available to students for inspection, review, challenge, correction, or deletion:

1. Confidential letters and statements of recommendations, used solely for the purposes for which they were specifically intended, if the student has waived the right to inspect and review recommendations:
 - a. regarding admission to an educational institution and,
 - b. regarding an application for employment
2. Financial records and statements of the student's parents or any information contained therein;
3. Records of instructional, supervisory, or administrative personnel or educational personnel ancillary thereto, which are kept in the sole possession of the maker thereof, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
4. Records which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting or assisting in that capacity, used only in providing treatment to the student, and not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice;
5. Records made and maintained in the normal course of business which relate exclusively to the individual in his or her capacity as an employee and are not available for any other purpose; this exclusion does not apply to an individual who is employed by the School as a result of his/her status as a student (i.e., interns, graduate assistants, work-study, etc.);
6. Records that only contain information about or related to a former student once he or she is no longer enrolled at the School (e.g., information regarding alumni or regarding individuals who attended the School at some point but are no longer enrolled);

Student Rights to Inspect and Challenge Education Records. The School shall provide a student the opportunity to challenge the content of his or her Education Records where the student believes the record(s) to be inaccurate, misleading, or otherwise in violation of privacy rights, and to correct, delete, or insert written statements of explanation into such record(s). This does not give a student a right to contest or challenge an assigned grade. Although disagreements may be settled through informal meetings and discussions, either the student or the



School may request an administrative hearing to resolve the dispute. The student or School administrator seeking the hearing shall make his or her request in writing.

Send a written request to:

Director of Compliance
Hillsboro Aero Academy
3565 NE Cornell Rd.
Hillsboro, OR 97124

The Hearing Process:

1. The hearing shall be conducted and decided within a reasonable period of time following the request, and the student shall be given notice of the date, time, and place reasonably in advance of the hearing. Normally, the hearing will be conducted within ten (10) business days following the date the hearing request has been received.
2. The student will have, at the formal hearing, the opportunity to present evidence and argument to a Hearing Body in support of his or her contention that the records are inaccurate, misleading or otherwise inappropriate. The student may, at his or her own expense, be assisted by one or more individuals of his or her own choice, including an attorney. The student may present evidence and question witnesses. The burden shall lie with the student to show that it is more likely than not (preponderance of the evidence) that the School department should have made the student's requested changes to his or her records, and/or that a violation of the student's rights under FERPA has occurred.
3. The School department with whom the student has the conflict may present a case in rebuttal with the same aforementioned procedural rights. The School department shall be provided an opportunity to present evidence relevant to the issues raised by the student;
4. The hearing shall be conducted by a Hearing Body who will hear all testimony, review all evidence presented at the hearing and render a decision. The Hearing Body shall be appointed by the CEO or the Director of Compliance
5. , provided that person(s) does not have a direct interest in the outcome;
6. The Hearing Body shall ensure that the decision is rendered to the student in writing within a reasonable time after the conclusion of the hearing, is based solely upon the evidence presented at the hearing, and shall include a summary of the evidence and the reasons for the decision. The decision of the Hearing Body shall be final.
7. If the matter is not resolved to the satisfaction of the student, the student may draft a written response to be included with the Education Record(s) in question that details the student's issue(s) with the Education Record(s) in question, and a description of why the student believes the Education Record(s) in question to be inaccurate, misleading, or otherwise in violation of privacy rights.