

FERPA and the Solomon Amendment

Consent to Release Records and Request to Withhold Directory Information

Students may choose to authorize the College to discuss and release protected education records to an individual or entity of their choice (e.g. parents, employers, etc.). Students wishing to release their education records must login to their MyMassasoit Student Portal and select “Consent to Release Records” from the Registration & Financial Services menu. Students are encouraged to fully review their FERPA rights before providing consent.

Students may choose to withhold the disclosure of their directory information (defined below) for any reason. Students wishing to withhold directory information must login to their MyMassasoit Student Portal and select “Request to Withhold Directory Information” from the Registration & Financial Services menu. Students are encouraged to fully review their FERPA rights before submitting a withhold request.

The **Family Educational Rights and Privacy Act** of 1974 (**FERPA**) affords students certain rights with respect to their education records. They are:

The right to inspect and review the student’s education records within 45 days of the day the College receives a request for access.

A student may submit to the registrar, dean, chair of the academic department, or other appropriate official, written requests that identify the record(s) he or she wishes 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 right to request the amendment of the student’s education records that the student believes are inaccurate or misleading.

A student may ask the College to amend a record that he or she believes is inaccurate or misleading. The student should submit a request in writing to the College official responsible for the record, clearly identifying the part of the record they want changed and specifying why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her 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.

The right to consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on or assisting an official committee, such as a disciplinary or grievance committee, or assisting 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 responsibility.

Further, upon request, the College discloses education records without consent to officials of another school in which a student seeks admittance or intends to enroll.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by an institution of higher education to comply with the requirements of FERPA.

Such complaints may be filed with the Family Policy Compliance Office at the U.S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605.

The College identifies the following student information as directory information:

Student Name

Town of Residence

College Email Address

Level of Education (1st year or 2nd year)

Enrollment Status (full – or part – time),

Program of Study

Dates of Attendance

Degrees & Awards received from Massasoit

(e.g. Dean’s List, athletic awards, etc.).

Directory information may be released by the College to a third party requesting such student information without first obtaining the consent of the eligible student. An eligible student has the right to refuse to permit the College from identifying some or all of those types of information about the student as directory information. An eligible student must notify the College’s registrar within

two weeks of the beginning of each academic semester if the eligible student does not want any or all of those types of information about a student designated as directory information.

Notwithstanding the College's definition of directory information, the Department of Defense, pursuant to the Omnibus Consolidated Appropriations Act of 1997 (Solomon Amendment), identifies the following information as student recruiting information: student names, addresses, and telephone listings; and if known, students' ages, levels of education, and majors. If a parent or eligible student chooses not to exercise his or her aforementioned right to refuse to permit the College to designate some or all of the student's record information as directory information, the College will release to the Department of Defense, or an agency thereof, that student information which the Department of Defense has designated as student recruiting information. This may result in the non-consensual disclosure of personally identifiable information. When student information is released pursuant to a Department of Defense request, notice of the request, and the release of student information in accordance therewith, will be posted in a conspicuous location in the College's Registrar's Office for the period of one academic year.

The Solomon Amendment ([10 U.S.C. § 983](#)) is a federal law that allows military recruiters to access some address, biographical and academic program information on students age 17 and older.

The Department of Education has determined the Solomon Amendment supersedes most elements of FERPA. The District is therefore obligated to release data included in the list of "student recruiting information," which may or may not match the District's FERPA directory definition list. However, if the student has submitted a Request to Withhold Directory Information (accessible through the [MyMassasoit Portal](#)) to restrict the release of his/her Directory Information, then no information from the student's education record will be released as specified in the Solomon Amendment.

The following is a list of information that may be released to military recruiters pursuant to the Solomon Amendment:

Name, address, telephone, year of birth, level of education, academic major, degrees received, educational institution in which the student was most recently enrolled.

Under the Solomon amendment, information will be released for military recruitment purposes only. The military recruiters may request student recruitment information once each term or semester for each of the 12 eligible units within the five branches of the service:

1. Army, Army Reserve, Army National Guard
2. Navy, Navy Reserve
3. Marine Corps, Marine Corps Reserve
4. Air Force, Air Force Reserve, Air Force National Guard
5. Coast Guard, Coast Guard Reserve

The request must be submitted in writing on letterhead clearly identifying the unit of service requesting the student recruitment information.

The request should specify whether the information needed is for the current or previous semester.

Per the Solomon Amendment, Massasoit Community College released 2022 – 2023 student information to the following military recruitment bodies:

- **11/07/2022: United States Marine Corps, Recruiting Sub-Station Brockton**
- **11/08/2022: United States Army, New England Recruiting Battalion**
- **11/16/2022: United States Army, Brockton Recruiting Battalion**
- **12/12/2022: Army National Guard, Recruiting and Retention Battalion 2 Hanscom AFB**
- **06/29/2023: Department of the Navy**
- **11/27/2023: United States Marine Corps, Recruiting Sub-Station Brockton**
- **11/27/2023: United States Army, Brockton Recruiting Battalion**
- **11/28/2023: Department of the Navy**
- **01/19/2024: United States Army, Norwood Recruiting Office**
- **10/24/2024: United States Army, Brockton Recruiting Battalion**
- **12/09/2024: United States Marine Corps, Recruiting Sub-Station Brockton**
- **01/13/2025: United States Army, New England Recruiting Battalion**

In the event of institutional closure, Massasoit will, at a minimum, observe the procedures stated in the New England Commission of Higher Education (NECHE) document entitled, "[Considerations When Closing an Institution of Higher Education](#)", as well as the [closure guidelines of the Massachusetts Department of Higher Education for Independent schools](#), including the identification of a back-up or other entity to safeguard student records in such a case. Information for students and potential students about obtaining records from closed institutions can be found on the websites of the [Massachusetts Department of Higher Education](#) and [NECHE](#).

In the event that Massasoit decides to discontinue a program before all enrolled students have completed their program of study, the college will implement a teach-out plan in accordance with the requirements of its accreditor, NECHE.

