

Family Educational Rights and Privacy Act (FERPA) Policy

Introduction

Mbition LLC (hereinafter “Mbition”, “us”, “we”, “our”) provides career and technical education in the real estate and home inspection industry. As we contract with various entities that receive funds from the U.S. Department of Education, we agree to maintain our students’ education records in accordance with the provisions of the Family Educational Rights and Privacy Act (“FERPA”).

Scope and Purpose

This policy applies to students or parents of students that are enrolled in an Mbition program through any public or private elementary, secondary, or postsecondary school and any state or local education agency that receives funds from the U.S. Department of Education.

In this policy, “Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. This policy shall apply to either parent, unless we have been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody.

For the purposes of this policy, whenever a student has attained eighteen years of age or is attending a postsecondary school, the permission or consent required of and the rights accorded to the parents shall only be required of and accorded to the student.

Information Collected

Mbition maintains education records that include, but are not limited to, the student’s:

- Name
- Address
- Email
- Phone number
- Date of birth
- Driver’s license number
- Real estate license number
- Social security number
- Demographic information
- Highest education level completed

- Veteran status
- Student financing paperwork
- VA certification form (WI), pre-disclosure agreement (TN)
- Course enrollment and completion records

For purposes of FERPA, “Personally Identifiable Information” includes but is not limited to:

- Student’s name
- Name of the student’s parent or other family members
- Address of the student or student’s family
- Personal identifier, such as social security number, student number or biometric record
- Other indirect identifiers like date of birth, place of birth and mother’s maiden name

Disclosure

In order for us to disclose personally identifiable information from a student’s record, we must receive written consent from the parent/student that is signed, dated and specifies the records being disclosed, states the purpose of the disclosure, and identifies the party that the disclosure is being made to.

Upon a request by the parent/student, Mbition will provide a copy of the records being disclosed.

When Consent is Not Needed

We may disclose personally identifiable information from a student’s record without any consent, to these parties:

- Mbition officials or contractors who we have determined have a legitimate educational interest
- Other schools to which a student seeks to enroll or is already enrolled
- Authorized representatives of the Comptroller General of the United States, Attorney General of the United States, Secretary of the U.S. Department of Education, or state and local educational authorities
- In connection with financial aid for which the student has applied or which the student has received

- State and local officials or authorities to whom this information is specifically allowed pursuant to state statute
- Organizations conducting certain studies for or on behalf of Mbition
- Accrediting organizations
- Parents of a dependent student, as defined by the Internal Revenue Code of 1986
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- Any party when the information is considered Directory Information, and if we have provided prior notice to parents/students:
 - Directory Information includes, but is not limited to, a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, enrollment status, and dates of attendance.
 - Parents/Students may submit written requests for directory information to not be disclosed.
- To a victim of an alleged perpetrator of a crime of violence
- In connection with a disciplinary proceeding at an institution of postsecondary education
- If the student is under the age of 21, to the parent of a student at an institution of postsecondary education regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance
- As required by the Violent Crime Control and Law Enforcement Act of 1994

We will maintain a record of each request for access to student information that falls under this section with the student's education records. These records will include 1) the parties that have requested or received the personally identifiable information and 2) the legitimate interests the parties had in requesting the information. If a parent/student requests a copy of the record, we will make it available upon request.

Right to Inspect and Review Education Records

All parents/students have the right to inspect and review education records. Upon emailing dpo@mbitiontolearn.com, we shall comply with any request for access by emailing the requested records within 45 days.

We will not destroy any education records that have an outstanding request to inspect and review. If any document in the education record includes information on more than one student, the parent/student shall have the right to inspect and review only such part of such document as relates to the requesting student.

Correcting Records

Parents/Students may email a request to dpo@mbitiontolearn.com to correct education records the parent/student believes to be misleading or incorrect. If Mbition agrees with the proposed change, we will update the records with the corrected information within 45 days. If Mbition disagrees with the requested change, Mbition will notify the parent/student of our decision and of their right to request a formal hearing.

Hearing Procedures

The parent/student must make a formal request for a hearing to Mbition by emailing dpo@mbitiontolearn.com. Mbition will notify the parent/student within a reasonable time after we receive the request as to the date and time of the hearing. The hearing will be conducted virtually by an Mbition official who has no direct interest in the outcome of the hearing. The parent/student will have an opportunity to present evidence related to the matter and may at his/her own expense, be assisted by an attorney. Our decision will be based solely on the evidence presented at the hearing. Once we reach a decision, we will provide the parent/student with a summary of the evidence and the reason for our decision.

If we decide that the record is inaccurate, misleading or in violation of the student's privacy rights, we will amend the record accordingly and notify the parent/student by mail of the change.

If the record is not amended after such hearing, we will notify the parent/student by mail of our decision and inform the parent/student of his/her right to place a statement in the student's education record commenting on the contested information and stating why they disagree with our decision. We will maintain the statement with the contested part of the education record for as long as the record is maintained, and we will disclose the statement whenever we disclose the portion of the student record to which the statement relates.

Responsibility

We will notify parents/students, via email, annually of their rights under FERPA.

These notifications will include their right to:

- Inspect and review education records;
- Seek amendment of education records that are thought to be inaccurate, misleading or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except when disclosure does not require the student's consent; and
- File a complaint with the Department of Education concerning potential FERPA violations by Mbition. Written complaints may be sent to:

Family Policy Compliance Office
US Department of Education
400 Maryland Ave. SW
Washington, DC 20202

These notifications will also include:

- The procedure for exercising the right to inspect and review education records;
- The procedure for requesting amendment of records; and
- A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest

We will effectively notify parents/students who are disabled or who have a primary or home language other than English.

In addition, during our employee onboarding process, we will notify all new employees of the requirements under this policy. For current employees, we will send an annual notification of this policy.

Complaints

We will make all of our clients aware of the steps to follow in order to raise a concern, grievance or make a complaint. We will aim to fully resolve all matters as quickly as possible. For any complaints or feedback you wish to share, please report these to: dpo@mbitiontolearn.com.

This policy will be monitored annually to review its effectiveness and will be updated in accordance with any necessary changes.

©2020 Mbition LLC. All rights reserved.