

FERPA

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

What's the FERPA?

It is a Federal Law enforced by the Family Policy Compliance Office, U.S. Department of Education, and is designed to protect the privacy of education records and provide guidelines for appropriately using and releasing student information records.

Why is it important?

College students must be permitted to inspect their own education records. School officials may not disclose personally identifiable information about students nor permit inspection of their records without written permission unless such action is covered by certain exceptions permitted by the Act.

What exactly is an "Education Record"?

Any record, with certain exceptions, maintained by an institution that is directly related to a student. This record can contain a student's name or information from which an individual student can be personally (individually) identified. These records include: files, documents, and materials in whatever medium (handwriting, print, tapes, disks, film, microfilm, microfiche) which contain information directly related to students and from which students can be personally (individually) identified.

What characteristics make a student "Personally Identified"?

The name of the student, the student's parent, or other family members; The student's campus or home address; A personal identifier (such as a social security number or student number); A list of personal characteristics or other information which would make the student's identity known with "reasonable certainty."

Records that are not part of an Education Record:

"Sole Possession" notes (Are made by one person as an individual observation or recollection, are kept in the possession of the maker, and are only shared with a temporary substitute), Law enforcement unit records, Medical & Treatment records, Alumni Records, Records maintained exclusively for individuals in their capacity as employees (however, Records of individuals who are employed as a result of their status as students (work study) *are* education records).

What do we do about all of this?

We must provide annual notification to students of their FERPA rights to:

1. Inspect and review their education records
2. Request an amendment to their education records
3. A hearing if the request for an amendment is unsatisfactory
4. Request that the institution not disclose directory information items about them
5. File a complaint with the U.S. Department of Education
6. 1) To know that school officials within the institution may obtain information from education records without obtaining prior written consent, 2) To know the criteria for determining who will be considered school officials and 3) To know what legitimate educational interest will entitle school officials to have access to in education records.
7. Know which information the institution has designated as public or directory information.

What falls under “Directory Information”?

Data items that are generally not considered harmful or an invasion of privacy if publicly available. This information cannot be released if a student has a “no release” on his or her record.

These include:

- Name
- Address
- Telephone number
- E-Mail address
- Dates of Enrollment
- Academic Major
- Full- or Part-time status
- Year of Study
- Resident Status
- Date of Graduation or Withdrawal
- Degrees, certificates or awards earned
- Participation in officially recognized sports or activities
- Most recent educational institution attended by the student
- Weight and height of members of athletic teams

Although not required to be included in the institution’s annual notification, the institution must notify students of what information the institution has designated as directory information. **Note: If a data element isn’t defined as directory information it isn’t directory information and can only be released if the student’s written permission is obtained or the release meets the requirements under one of the exceptions to student’s written permission found in FERPA.**

What NEVER falls under “Directory Information”?

- Race
- Gender
- Social Security Number (or part of an SSN)
- Grades
- GPA
- Country of citizenship
- Religion
- Note: Every student must be given the opportunity to have directory information suppressed from public release. This process is often referred to as a “no release”, “opt out”, or “suppression.” When a student makes this request, **everyone within the institution must abide by a student’s request that no information be released** about the student. It is also important to understand that, a “no release” does *not* mean that a school official within the institution who has a demonstrated legitimate educational interest is precluded from using the information to perform that official’s job duties.

Who falls under “school official”?

1. Employed by the college in an administrative, supervisory, academic, research, or support staff position (including law enforcement and health staff personnel)
2. Elected to the Board of Trustees
3. A company employed by or under contract to the college to perform a specific task, such as, an agent, an attorney, an auditor, or an outsourced service provider.
4. Serving as a student representative on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

What about the student’s parents?

- When a student reaches the age of 18 or begins attending a postsecondary institution regardless of age, FERPA rights transfer to the student.
- Parents may obtain directory information at the discretion of the institution.
- Parents may obtain non-directory information (grades, GPA, etc.) at the discretion of the institution AND after it has been determined that their child is legally their dependent.
- Parents may also obtain non-directory information by obtaining a signed consent from their child.

For more information, visit <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.