

FERPA

(Family Educational Rights and Privacy Act of 1974)

Protecting Student Privacy

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Introduction

All employees who work with students' records (prospective, current and past) must uphold all applicable federal laws in combination with the institution's policies that apply to students' records.

If a member of the institution violates FERPA, the Department of Education could take away the institution's student federal funding. It's the right thing to do. Our students depend on us to keep their academic information confidential.



"Are you here for getting a bad school report too? "





What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (FERPA), also known as the Buckley Amendment, is the primary law that protects the confidentiality of students' records in academic environments.





Student Rights under FERPA

Under FERPA, students have the following rights with respect to their education records to:

- Inspect and review any of their education records within a reasonable timeframe, but no later than 45 days after their initial request.
- Seek to have their education records amended.
- Control the disclosure of their education records to any third party.
- Address privacy-related complaints





Whose Records are Protected?

FERPA protects both **current** and **former** students' records.

Remember:

Any record created *during* a student's tenure at a college or university is considered a student's education record and is FERPA-protected.





When do FERPA Rights Begin for Students?

Individual institutions can define when FERPA rights begin for their students. At most institutions, FERPA rights start when the student matriculates as either a degree or non-degree student.

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"I hacked into the school computer and changed all my grades. Then the school hacked into my computer and deleted all my games!"





What are “Education Records”?

Education records are defined as ALL records that are:

- Related directly to a student,
- Maintained by the institution or a staff member, and
- Kept in any format.

Note:

This is a purposefully broad definition, covering informal and formal documents, communications, computer data, computer screens, paper files, and other materials that contain individually identifiable information about students. Nearly every piece of student-related information, regardless of its location or the medium of its presentation, is considered to be part of the student’s education records.





What Types of Records are NOT Education Records?

- **Campus Police Records:** records maintained solely for law enforcement purposes.
- **Employment Records:** records regarding the employment relationship a student has with the University when it is not as a result of his/her status as a student.
- **Medical Records:** records maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their capacity to treat the student.
- **Sole-possession Records:** records made by University faculty and staff which are kept in the sole possession of the person and are not accessible or revealed to any other person.
- **Post-attendance Records:** records made after a student's tenure at the institution has ended.
- **Unsuccessful Applicants' Records:** records of students not admitted.

Note:

Although these records are not subject to FERPA, they are still governed by other laws or University policies, and should be kept confidential.





What is Prior Consent?

If a student wants to share some academic records (e.g., class schedule, grades) with his/her parents, spouse, a prospective employer, insurance companies, etc., he/she must provide prior written consent before you can talk to the specified designee(s). Prior written consent must:

- Specify the records to be released,
- Identify the party or class of parties to whom disclosure may be made, and
- Be signed and dated by the student.

Remember:

Always err on the side of caution and do not release student education records unless you are certain that it is okay. *When in doubt – don't give it out.*





Circumstances to Release Education Records without Consent

A college or university MAY disclose education records *without* consent under the following circumstances:

- The disclosure is to college or university officials who have been determined to have legitimate educational interests as set forth in the institution's annual notification of rights to students.
- The disclosure is to state or local educational authorities auditing or enforcing federal or state-supported education programs or enforcing federal laws which relate to these programs.
- The disclosure is in connection with determining eligibility, amounts, and terms for financial aid, or enforcing the terms and conditions of financial aid.
- The disclosure is pursuant to a lawfully issued court order or subpoena.
- The institution has designated the information as directory information.





What is “Directory Information”?

The institution may disclose directory information without a student’s prior consent, unless the student specifically requests in writing that the following information be withheld. At many institutions, directory information is limited to:

- Name.
- Local/ mailing address.
- Home/permanent address.
- Email address.
- Major.
- Telephone numbers.
- Date and place of birth.
- Acknowledgement of a student's participation in officially recognized activities and sports.
- Weight and height of members of athletic teams.
- Date(s) of attendance.
- Degrees, certificates, and awards received.
- Most recent previous educational agency or institution attended by the student.





Is an Institution Obligated to Release Directory Information?

An institution is not obligated to release directory information to anyone. FERPA states only that an institution **MAY** release information, but there is no obligation to do so. When in doubt about whether something is directory information, *do not* release any information.

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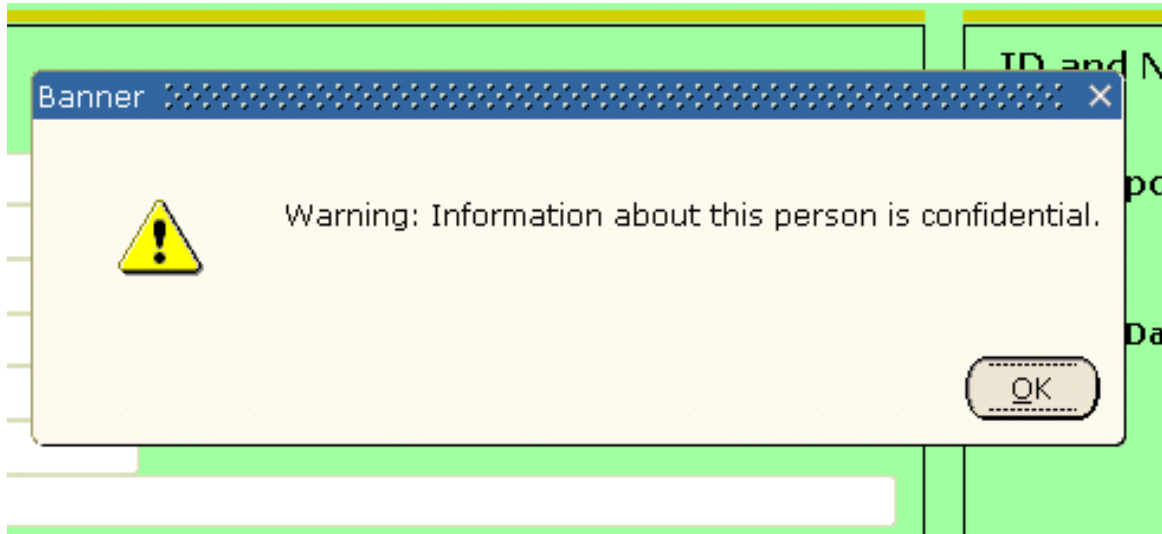
"Here is Brad Pitt's e-mail address,
but you did not get it from me."





How Can Students Protect Their Directory Information?

Individual students can request that their directory information not be disclosed. In many instances this will result in some type of flag or pop up notification on the institution's student computer based record keeping system.





Special “Don’ts” for College and University Employees

To avoid violations of FERPA rules, do not:

- Post grades using student I.D.s, SSNs, or other personally identifiable data.
- Link a student’s name with his/her student I.D. or SSN in any public manner.
- Leave graded tests in a stack for students to pick up by sorting through other students’ papers.
- Circulate a printed class list with student names, I.D.s, SSNs, or grades as an attendance roster.
- Discuss the progress of any student with anyone (including parents) other than the student without the student’s consent.
- Provide anyone with lists of students enrolled in your classes for any commercial purpose.
- Provide anyone with student schedules or assist anyone other than eligible institutional employees in finding a student on campus.





How Can You Maintain Students' Records Securely?

It is your responsibility to make sure that students' records you have accessed and/or stored are secure. Take necessary measures to protect against unauthorized access to students' data in your possession. For example:

- Always ask for a photo ID to confirm the student's identity, when he/she inquires about his/her own files.
- Respond only to inquiries that you are authorized to field. Refer all other inquiries to an authorized source, even if you have access to the information sought.
- Password-protect your computer in which you store students' records.
- Use only your assigned computer accounts and do not share it with other individuals. You are responsible for all actions taken using your account.
- Keep diskettes and other storage media with student data in a secure or locked location.
- When you have finished a computer task involving student data, exit all files, sign off all applications, and close all application windows.
- Shred printed materials that contain sensitive or restricted data when they are no longer in use.





Parent Rights Regarding Education Records

- Parents have the right to expect that information such as their own financial records and related financial information will be held confidential. These cannot be released to students or to others, without the parent's or parents' authorization. For instance, parents may provide part of their financial information for their children's financial aid application. However, the part provided by or relating to the parents should remain confidential.
- Parents' access to information from their children's education records is carefully circumscribed, unless the student provides specific [prior consent](#) for data release to a parent. Otherwise, the only information that can be released to parents is the '[directory information](#)', provided that the student has not requested that the information be suppressed.





Access to Applicant Records

Access to applicant records during the admission process is strictly controlled and is governed by institutional policy. These records should be treated as confidential. Enrolled students do have certain rights to review their admission materials, including letters of reference to which they did not waive their rights of access. Students seeking access to these application records should contact their admission's or registrar's office.





Thank You!

Test your FERPA knowledge:





FERPA Quiz

Question 1

- You get a phone call from someone identifying himself as a student, asking about his grades. Can you give out that information?

YES

NO





Incorrect, please try again.





Question 1

Question 1

- You get a phone call from someone identifying himself as a student, asking about his grades. Can you give out that information?

Correct. You should not give out grades over the telephone because you cannot be sure it is the student.





FERPA Quiz – Question 2

Question 2

- You receive an e-mail message from a reputable employer asking for names and addresses for students with a GPA of 3.0 or better. They have good job information to offer. Can you help students get jobs by giving out that information?

YES

NO





Incorrect, please try again.





Question 2

Question 2

- You receive an e-mail message from a reputable employer asking for names and addresses for students with a GPA of 3.0 or better. They have good job information to offer. Can you help students get jobs by giving out that information?

Correct. GPA or any part thereof is confidential information. Refer this person to the Career Center so they can publicly post the job information.





FERPA Quiz – Question 3

Question 3

- You receive a subpoena in the mail. It appears to be a legal, court ordered subpoena. Should you supply the student information?

YES

NO





Incorrect, please try again.





Question 3

Question 3

- You receive a subpoena in the mail. It appears to be a legal, court ordered subpoena. Should you supply the student information?

Correct. Subpoenas for student information require the immediate attention of the institution's general Counsel.





FERPA Quiz – Question 4

Question 4

- You get a frantic phone call from an individual who says he is a student's (husband/brother/father) and must get in touch with her immediately because of a family emergency. Can you tell him where and when her next class is today?

YES

NO





Incorrect, please try again.





Question 4

Question 4

- You get a frantic phone call from an individual who says he is a student's (husband/brother/father) and must get in touch with her immediately because of a family emergency. Can you tell him where and when her next class is today?

Correct. For the safety of the student, you cannot tell another person where a student is at any time (it could be a stalker). Contact the appropriate office (Dean of Students/ Public Safety) to locate the student and give them the message.





FERPA Quiz – Question 5

Question 5

- An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution responsible?

YES

NO





Question 5

Question 5

- An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution responsible?

Correct. Information left on a computer screen should be treated the same as printed reports. The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.





Congratulations

You have mastered the basics of FERPA. For additional information visit the Department of Education's web site at:

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Thank You