

Family Educational Rights and Privacy Act (FERPA)

1. What is FERPA?

The Family Educational Rights and Privacy Act of 1974 also known as the Buckley Amendment helps protect the privacy of student records. The Act provides for the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The Act applies to all institutions that are the recipients of federal funding.

2. Who is protected under FERPA?

Students who are currently enrolled in higher education institutions or formerly enrolled regardless of their age or status in regard to parental dependence.

Parents of students termed “dependent” for income tax purposes may have access to the student’s educational records. Students who have applied, but have not attended an institution, do not.

3. What are educational records?

With certain exceptions, a student has rights of access to those records which are directly related to him/her and which are maintained by an educational institution or party authorized to keep records for the institution. “Educational records” include any records in the possession of an employee which are shared with or are accessible to another individual.

FERPA contains no requirements that certain records be kept at all. This is a matter of institutional policy and/or state regulation. The records may be handwritten or in the form of print, magnetic tape, film or some other medium. FERPA coverage includes records, files, documents, and data directly related to students. This would include transcripts or

other records obtained from a school in which a student previously enrolled.

4. What is not included in an educational record?

- Sole possession records or private notes held by educational personnel which are not accessible or released to other personnel
- Law enforcement or campus security records which are solely for law enforcement purposes
- Records relating to individuals who are employed by the institution (unless contingent upon attendance)
- Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment
- Records of an institution which contain only information about an individual obtained after that person is no longer a student at the institution (i.e., alumni records)

5. What documents can be removed from an educational record before the student views the record?

- Any information that pertains to another student
- Financial records of the student’s parents
- Some confidential letters and statements of recommendation under conditions described in FERPA Section 99.12.

6. What is directory information?

Institutions may disclose information on a student without violating FERPA through what is known as “directory information.” This generally includes student’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized sports and activities, weight and height of athletes, dates of attendance, degrees and awards received and other similar information

Each institution is required annually to identify what constitutes directory information within its policy. This notice must also provide procedures for students to restrict the institution from releasing directory information.

7. Who is entitled to student information?

- The student and any outside party who has the student’s written consent
- School officials who have “legitimate educational interests” as defined in FERPA.
- Parents of a dependent student as defined by the Internal Revenue Code.
- A judicial order or subpoena which allows the institution to release records without the student’s consent; however, a “reasonable effort” must be made to notify the student before complying with the order.

8. What are some examples of when access should be granted under legitimate educational interest?

Access should be granted under the following legitimate educational interests:

- a) Specific job duties as defined by the college
- b) Student’s permission
- c) Academic Placement by faculty
- d) Counseling/Academic Advisement by faculty
- e) Research Studies
- f) Direct tutorial assistance to the student by faculty

9. What are some examples of when access should be not be granted under legitimate educational interest?

- a) Specific job duties do not allow for access and /or
- b) Student has not given permission
- c) Student is enrolled in the faculty’s course
- d) Student is enrolled in a relational course

- e) Student was previously enrolled in a faculty course
- f) Student is being disruptive in class.

10. When do you need consent to disclose personally identifiable information from an education record (including transcripts)?

Except for specific exceptions listed in #12, a signed and dated consent by the student must be obtained before any disclosure is made.

The written consent must:

- Specify the records that may be disclosed.
- State the purpose of disclosure.
- Identify the party or class of parties to whom the disclosure may be made.

11. What is “personally identifiable information”?

- The student’s name
- Name of the student’s parent or other family members
- Address of the student or student’s family
- A personal identifier, such as a social security number or student number
- A list of personal characteristics

12. When is the student’s consent not required to disclose information?

The thirteen exceptions are:

- To school officials (defined in policy)
- To schools in which a student seeks to enroll
- To Federal, State and local authorities involving an audit or evaluation of compliance with education programs
- In connection with Financial Aid
- To State and local authorities pursuant to State law adopted before November 1974 requiring disclosure.
- To organization conducting studies for or on behalf of educational institutions
- To accrediting organizations

- To parents of dependent students
- To comply with judicial order or subpoena
- Health or safety emergency
- Directory information
- To the student
- Results of disciplinary hearing to an alleged victim of a crime of violence

13. How does increasing technology impact FERPA on our campuses?

The use of computerized record-keeping systems is increasing at a tremendous rate. We can anticipate that electronic data will eventually replace most paper documents. Registrars should ensure that appropriate policies are established to protect the confidentiality of those records, educate faculty and administrators about the policies, and make sure the policies are enforced. The same principles of confidentiality must be applied to electronic data as apply to paper documents.

14. How do I restrict information from being released about me?

Contact any Campus Registration Office and indicate the type of information that you would like to be released on your behalf.