FERPA
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

What you need to know

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What is it?

♦ FERPA is a federal law designed to:
  – Protect the privacy of educational records
  – Establish the right of students to inspect & review their educational records
  – Provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

♦ Also know as the Privacy Act or the Buckley Amendment.
Educational Records

- Contain information directly related to a student.
- Maintained by an educational agency or institution or by a person acting on its behalf.
Educational Records....

♦ May include:
  – Handwritten data
  – Printed data
  – Maintained in a computer and displayed on a computer**
  – Videotape
  – Audiotape
  – Film
  – Microfilm
  – Microfiche
  – Email
  – Registration forms
  – Transcripts
  – Grade reports
  – Class schedules
  – Class rosters
  – And any document that includes personally identifiable information related to individual students

♦ Does NOT include:
  – Records in sole possession of author
  – Medical records
  – Employment records (when employment is not contingent on being a student)
  – Records created and maintained by a law enforcement agency & used and seen only by such
  – Information obtained after the person was a student.
Directory (Public) Information

- “…information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.” (1988 Final Regulations)
May NEVER include:
- Social Security #
- Student ID #
- Race
- Ethnicity
- Nationality
- Gender
- Citizenship
- Religion/Religious Preference
- Grades
- GPA
- Class Schedule
- # of Credit Hours
Directory Information at ASC

- Name
- Email Address
- Phone number(s)
- Address (It is recommended that parent addresses not be released without written consent of the student)
- Classification (i.e., freshman, junior…)
- Major field of study
- Dates of attendance
- Degrees pursued
- Enrollment status (full-time, half-time, etc.)

*Actual number of credit hours is NOT Directory Information
Continued…….

♦ Degrees received
♦ Weight and height of members of athletic teams
♦ Honors and awards received
♦ Date of birth
♦ Last school attended
♦ Past and present participation in officially recognized sports
♦ Academic standing (eligible to register)
♦ Major
A Student’s Right to Withhold Directory Information

♦ Student may place a hold on any or all of this information.

♦ Must complete and submit a Restriction of Release of Information form to the Records Office or the One Stop Student Services Center.
Restriction to Release stays in effect until we receive a counter request.
Parental Rights Under FERPA

♦ Parents are given certain rights under FERPA
  – If a student is taking classes at both the high school and college level, the two institutions may share information on the student. If the student is under the age of 18, parents still retain the rights under FERPA at the high school and may inspect and review any records sent by the postsecondary institution to the high school.

♦ However, all rights transfer to the student:
  – Once the student reaches age 18 or
  – They attend any school beyond the secondary level
    • A student “owns” their educational record from the first day of enrollment, regardless of age.
When May a Parent Access a Student’s Educational Record?

♦ By Law: Institutions MAY release non-directory information to parents or court-appointed guardians if the student is claimed as a dependent on the parent/guardian’s Federal Income Tax return.
- Both the parent who claims the student, as well as the parent who is not claiming the student, are granted access.

*It is ASC’s policy to obtain written authorization from the student*

♦ A Written Release form signed by the student must be on file with the Office of the Registrar before any non-directory information may be released to the parent or court-appointed guardian.
Written Consent

♦ May be received and accepted by the institution via facsimile transmittal.
Legitimate Educational Interest

- “The demonstrated ‘need to know’ by those officials of an institution who act in the student’s educational interest, including faculty, administration, clerical and professional employees, and other persons, including student employees or agents, who manage student record information” (2001 FERPA Guide). -- Any authorized interest or activity undertaken in the name of the College for which access to an educational record is necessary or appropriate to the proper performance of the undertaking.
  - Example: Student Advisor

- Determines whether or not a faculty or staff member is violating FERPA when he/she accesses a student’s record

- “Need to know” is not being in the position of having a legitimate educational interest and using that access for personal reasons.
Two Basic Rules to Comply with FERPA

1. Notify current students annually in writing of their rights under FERPA
   - Right to seek amendment or correction of educational records
   - Right to have some control over the disclosure of information from educational records when release is permitted by law
   - Right to file complaints with the Family Policy Compliance Office, United States Department of Education, within 180 days of alleged violation
   - Since ASC has a policy of disclosing personally identifiable information to school officials:
     - The criteria for determining school officials
     - A description of what constitutes legitimate educational interest.
2. Grant access by students or parents, if applicable, to education records.
   - Students and former students have the right to inspect and review their education records through established procedures.
     - Within a max of 45 days after written request is received.
   - Institution or agency is not required to provide a copy of the education record unless failure to do so would deny access.
     - Records cannot be destroyed if request is pending.
     - Fee can be charged unless cost prohibits access.
   - Students and former students have the right to review records of requests for disclosure of their personally identifiable information.
     - Institution needs to maintain records of requests and make them available to students.
Students Do NOT Have the Right to…

♦ View financial information submitted by parents
♦ Confidential letters and recommendations placed in student’s file before 1/1/75
♦ Confidential letters, etc., associated with admissions, employment, job placement or honors to which a student has waived rights of inspection and review.
♦ Educational records containing information about other students (grades, test scores, etc.)
  – With the exception of workstudies/student employees
What Happens If We Don’t Follow the Law???

♦ Lawsuit
♦ Loss of Federal Funding
The Authoritative Source

- Family Policy Compliance Office
  LeRoy Rooker, Director
  U.S. Department of Education
  400 Maryland Ave., SW
  Washington, DC  20202-4605

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