

FERPA – Rights & Obligations

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FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

“A Federal Law designed to protect the privacy of **education records**, to establish the right of students to inspect and review their **education records**, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.”



FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

This act is enforced by the
Family Policy Compliance Office,
U.S. Department of Education,
Washington, D.C.



THE ESSENCE OF THE ACT

- Students, **regardless of age**, are protected by FERPA upon enrollment at an institution of higher education,
- 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.
- Student = “Owner” of their education record
- Institution = “Custodian” of the education record



KEY TERMS

- Education Record
- Personally Identifiable
- Directory Information
- School Official



WHAT IS AN “EDUCATION RECORD?”

- Any record, with certain exceptions, maintained by an institution that is directly related to a student or students. This record can contain a student’s name(s) 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 AN EDUCATION RECORD IS NOT!

- “Sole Possession” notes
- Law enforcement unit records
- Records maintained exclusively for individuals in their capacity as employees
 - Records of individuals who are employed as a result of their status as students (work study) are education records.
- Health Office -patient privilege records
- Alumni Records



“PERSONALLY IDENTIFIABLE”

Personally Identifiable means data or information which includes:

1. The name of the student, the student's parent, or other family members;
2. The student's campus or home address;
3. A personal identifier (such as a social security number or student number);
4. A list of personal characteristics or other information which would make the student's identity easily traceable.



GRADES POSTED ON BULLETIN BOARD OUTSIDE OF INSTRUCTOR'S OFFICE

Instructor Summary - Fall 1999 - December 15, 1999				
GradeBook - Unregistered Copy				
MKT 227 Fall 99				
A = 90.0 B = 80.0 C = 70.0 D = 60.0				
	RgAvg%		ExtCr %	Grade
	100.00		5.6	
2949	93.8		201	A
4532	84.5		4.2	B
5599	83.1		0.7	B
1197	71		0.7	B
7463	72.6		0.7	C
6115	66.2		5.6	C
7692	66.9		4.2	C
2342	68.1		1.4	D
1543	62.9		0.7	D
5748	61.8		0.7	D



THE LAWFUL WAY TO PUBLICALLY POST GRADES

- Faculty must assign some code that is only known to the student and each individual student.
 - It should be randomly assigned
 - The alphabetical order of the list should be rearranged so that those with last names of 'A' and 'Z' cannot be personally identified.



REQUIREMENTS FOR COMPLIANCE

What we must do...

- Provide **annual notification** to students of their FERPA Rights
- Provide students **access** to their education records



REQUIREMENTS FOR COMPLIANCE

- Provide annual notification to students of their right 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



REQUIREMENTS FOR COMPLIANCE

- Provide annual notification to students of their right to:
 6. Know that 1) **school officials** within the institution may obtain information from education records without obtaining prior written consent, 2) the criteria for determining who will be considered **school officials** and 3) what **legitimate educational interest** will entitle school officials to have access to education records



REQUIREMENTS FOR COMPLIANCE

- Provide annual notification to students of their right to:
 7. Know which information the institution has designated as public or **directory information**.

Note: This notification of **directory information** is **NOT** required to be included in the annual notification.



REQUIREMENTS FOR COMPLIANCE

Directory Information

- Information not normally considered a violation of a person's privacy
- Students must be notified of the items of **directory information**
- Students must be given the opportunity to request that directory information not be released. This right of non-disclosure applies to directory information only.



WHAT IS DEFINED AS DIRECTORY INFORMATION AT SBCC?

Directory Information includes the following student information:

- Names of students who participate in officially recognized activities and sports
- Names of student officers
- Names of students who are members of athletic teams
- Names of students who receive degrees and awards
- Confirmation if an individual is enrolled in the current term
- Students' dates of enrollment
- Students on the President's Honor Roll



“SCHOOL OFFICIALS”

A **school official** can be a person:

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. Or company employed by or under contract to the college to perform a special task such as the attorney, auditor, or collection agency,
4. Or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.



“LEGITIMATE EDUCATIONAL INTEREST”

- The demonstrated need to know by those officials of an institution who act in the student’s educational interest, including faculty, administrators, clerical and professional employees, and other persons who manage student record information.
- Although FERPA does not define “legitimate educational interest”, it states that institutions must specify the criteria for determining it.



“LEGITIMATE EDUCATIONAL INTEREST” at SBCC

- A person:
 - performing a task that is specified in his/her position description or contract.
 - performing a task related to a student’s education.
 - performing a task related to the discipline of a student.
 - providing a service or benefit relating to the student such as health care, counseling or job placement.



REQUIREMENTS FOR COMPLIANCE

- Provide students with access to their education records

They have the right to:

- 1) Inspect and review within 45 days of the request to inspect.

Refer students to Admissions & Records for assistance.



PROCEDURES AND STRATEGIES FOR COMPLIANCE

A. Disclosure of educational record information

1. Institutions shall obtain written consent from the student before disclosing any personally identifiable information from their education records (with the exceptions as noted in sections 2 and 3 below). The written consent must:
 - a. Specify the records to be released
 - b. State the purpose of the disclosure
 - c. Identify the party or parties to whom disclosure may be made
 - d. Be signed and dated by the student.



PROCEDURES AND STRATEGIES FOR COMPLIANCE

A. Disclosure of educational record information

3. Institutions **may** disclose education records **without written consent** of students to the following:

j. Persons in an emergency, if the knowledge of information, in fact, is **necessary** to protect the health or safety of the student or other persons



WHAT ABOUT 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 only at the discretion of the institution.
- Parents may obtain non-directory information (grades, gpa, etc.) by obtaining a signed consent from their child.
 - At SBCC, this access is limited to academic records, e.g. transcripts, schedule of classes, verification of enrollment etc .



PARENTS



LETTERS OF RECOMMENDATION

- Should faculty and school officials require written authorization from a student prior to writing a letter of recommendation?

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SAMPLE PERMISSION LETTER TO WRITE A LETTER OF RECOMMENDATION

I give permission to Prof. Kostal to write a letter of recommendation to:

Annie's Catering
344 Willow Dr.
Lynchburg VA 24502

Prof. Kostal has my permission to include my grades, GPA, and class rank in this letter.

I waive/do not waive my right to review a copy of this letter at any time in the future.

Signed

Date



TECHNOLOGY

- Password protect files that contain student data.
- Delete files that you do not need to maintain.
- Pipeline
 - Insure that your password is secure
 - Be sure to logout when finished – especially in public places
- Email
 - Do not include student I.D. in the subject line
 - Do not send student information to an outside email address (sbcc.edu and pipeline only)



SCENARIO 1

An individual walks into your office with a signed letter giving you consent to release the grades of a current student. Do you give this information to him/her?



SCENARIO 2

A person retrieves information about a student from your computer that you left unattended. Under FERPA, are you responsible?



SCENARIO 3

A parent calls to ask how his son/daughter is doing in class. Is it alright for you to give the parent information about the student's attendance and grades?



SCENARIO 4

A parent calls to discuss his/her student's life history in an effort to help you understand the student. Is this a violation of FERPA?



SCENARIO 5

A faculty member posts grades using the SBCC Student I.D. (K000000000). Under FERPA, is this permissible?



SCENARIO 6

You receive a frantic call from the father of one of your students. He states it is an emergency and he must get in touch with his daughter. He believes she is in your class. The student is not attending. Should you provide him with this information?



SCENARIO 7

FERPA prohibits faculty to leave exams, papers etc. outside of their office for students to pick up.

True or False



SCENARIO 8

A high school student, under 18, is registered in your class through the Dual Enrollment program. Are you permitted or required to answer the parent's questions under FERPA?



SCENARIO 9

SBCC directory information includes all of the following except:

- a. Dates of attendance
- b. Verification of current enrollment
- c. Date of birth
- d. Degrees awarded



SCENARIO 10

A faculty or staff member has the right to inspect education records of any student attending SBCC without giving a reason.

True or False



REMEMBER

**Your job is to protect
the student.**

**When in doubt, don't
give it out!**



LOCAL AUTHORITATIVE SOURCES

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THE AUTHORITATIVE SOURCE

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

