WHAT IS FERPA?

- FERPA is the Family Educational Rights and Privacy Act - the *Buckley Amendment*.
- FERPA applies to institutions that regularly receive federal funding.
- FERPA is enforced by the Family Policy Compliance Office of the U.S. Department of Education.
- Failure to comply could result in the withholding of federal funds including student financial aid.
RECORDS COVERED BY FERPA

- FERPA defines an education record as information in any format that directly identifies an individual and is maintained by the institution or party acting for the institution. There are two kinds of records:
  - Non-directory information known as an “education record”
  - Directory, or public information
TO WHOM DOES FERPA APPLY?

FERPA was written specifically for students and guarantees them four primary rights, to:

- Inspect and review their own education records.
- Seek to have those records amended and, in some cases, append a statement to the record.
- Have some control over the disclosure of information from those education records.
- File a complaint with the FERPA office in Washington D.C. concerning alleged failures by an institution to comply with FERPA regulations.
COMPLYING WITH FERPA

- On an annual basis, institutions must advise students of their rights.
  - A Student is defined as someone who is or has been in attendance at a postsecondary institution.
  - Applicants who are denied admission or who have never attended **ARE NOT** covered under FERPA.
  - TAMUCC’s annual notification is part of the **on-line semester class schedule** and **college catalog**.

- Institutions must protect and not disclose education records without the student’s written consent.

Courtesy UT-Dallas
WHAT INFORMATION MIGHT NEED TO BE HANDLED IN A SECURE WAY?

- Registration Forms
- Transcripts
- Students information displayed on your computer screen
- Grades
- Students Schedules
- Any paper with the student’s ID on it
WHAT ARE EDUCATION RECORDS?

A key distinction of education records?

Education records are shared.

Once an education record is shared or placed in a file where other education officials can access the record, that record becomes an education record and so subject to the provisions of FERPA.
WHAT INFORMATION CAN BE RELEASED?

- Directory information.
- Information that the student has given written consent to release.
- Information needed by designated school officials (employees) who have a **LEGITIMATE EDUCATIONAL** interest.
- Information needed by certain government agencies.
WHAT IS DIRECTORY INFORMATION?

- Directory (or public) information is not generally considered harmful or an invasion of privacy if released.
  - It can be released without the student’s written consent.
  - Each college or university, to some extent, can determine what information is classified as directory information.

Courtesy UT-Dallas
TAMUCC DIRECTORY INFORMATION

a) Name
b) All addresses
c) All telephone numbers
d) Major field of study
e) Academic Classification
f) Participation in officially recognized sports
g) Weight and height of members of athletic teams
h) Dates of attendance and enrollment status
i) Degrees and awards received
j) Previous schools attended

*** Directory Information can never be Social Security Number, Race, Gender, Ethnicity or Nationality
EXCEPTIONS TO EDUCATION RECORDS

- **CAUTION**: collecting sensitive information must be tied to a legitimate educational need; do not collect Social Security Numbers, Date-of-Birth and other sensitive data unless it fulfills a responsibility of your contract or job.

- **When in doubt – don’t give it out!**

- Contact the Office of Admissions and Records at ext. 2633 for more information on FERPA.

Courtesy UT-Dallas
SPECIAL "DON'TS" FOR FACULTY

To avoid violations of FERPA, DO NOT:

- publicly post or display grades in a manner in which all or any portion of either a Social Security Number or an alternative identifier (ex. TAMUCC-ID) identifies the individual associated with the information,

- ever link the name of a student with that student's Social Security Number or TAMUCC-ID in any public manner,

- leave graded tests in a stack for students to pick up by sorting through the papers of all students,

- circulate a printed class list with student names and Social Security Numbers or TAMUCC-IDs or grades as an attendance roster.

Courtesy UT-Dallas
SPECIAL "DON'TS" FOR FACULTY

To avoid violations of FERPA, DO NOT:

- discuss the progress of any student with anyone (including parents) other than the student without the consent of the student,
- provide anyone with lists of students enrolled in your classes for any commercial purpose,
- provide anyone with student schedules or assist anyone other than university employees in finding a student on campus.
PARENT’S RIGHTS

- Parent’s rights to student’s educational records cease when the student enrolls in an institution of higher education regardless of the age of the student.

- Students must sign a “FERPA Waiver” to authorize their parent to obtain information from the student’s education record.
  - FERPA Waivers request forms are provided to students and maintained at the Office of Admissions and Records.
THE BEST RULE IS:

- Use the Student Information System to verify that the student’s record has not been marked as Confidential.
  - If not marked Confidential, then only release directory information.
  - Forward all other requests to the Office of Admissions and Records or Public Affairs.
REFERENCES:

- FERPA@ed.gov
- AACRAO FERPA GUIDE
TEST YOUR KNOWLEDGE

Please answer the following questions to complete your training on FERPA.

Courtesy UT-Dallas
QUESTION:

TRUE or FALSE: Students must be given the opportunity to inspect and review their education record?

True: Students must be given the opportunity to inspect and review their education record within 45 days of a request.
QUESTION

TRUE or FALSE: Faculty and staff have the right to inspect and review the education records of any student?

FALSE: Any employee must be able to demonstrate a legitimate educational “need to know” to have access to a student’s record. A legitimate educational need to know is defined as required to fulfill a responsibility as part of his/her contract or job.
QUESTION:

TRUE or FALSE: “Education Records” include only those records contained in a student’s permanent file?

FALSE: Education records generally include any record (in any format or medium) directly related to a student and maintained by the institution.
QUESTION:

TRUE or FALSE. A Faculty member has violated FERPA by posting the grades of all the students in his class on the wall outside his office using a random code known only by the student and instructor.

FALSE: As long as the grades were not posted with the Student’s Name, Social Security Number, or something that can be fairly easily interpreted by a third party, then it would not be a violation of FERPA.
QUESTION:

TRUE or FALSE: A parent automatically has the right to ask and receive information on how his/her student is doing in a class.

FALSE: The student must authorize the release of his/her information to that parent/individual, even if the child is under the age of 18.
QUESTION:

TRUE or FALSE: An unauthorized person retrieves sensitive information from a computer screen that was left unattended. This is not a violation under FERPA.

FALSE: The computer screen requires the same protection as a paper student record.
QUESTION:

Examples of Confidential Information include:
  a. Social Security Number
  b. Address
  c. None of the above
  d. All of the above

ONLY “A” is correct: A student’s Address is Directory Information.
QUESTION:

Non-directory information can be disclosed without the written consent of the student when:

a. A University official has a legitimate educational interest
b. A scholarship organization has a personal interest in the student’s file
c. A law enforcement agent requests it, regardless of probable cause
d. Only A and C above

ONLY “A” is correct:

“B” is incorrect because third party contractors or organizations must have a legitimate educational interest
“C” is incorrect because the law enforcement agent must have a lawfully issued subpoena.