

FERPA 101: Understanding the Basics of FERPA

Office of the Registrar

Presented by

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Middle Georgia State University



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.”

This act is enforced by the **Family Policy Compliance Office**, U.S. Department of Education, Washington, D.C. <http://www2.ed.gov/policy/gen/guid/fpco/index.html>

THE ESSENCE OF THE ACT



- College/University 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.

KEY CONCEPTS OF FERPA



- Required annual notification
- Written permission required for disclosure of student education record
- The exceptions to written permission of students
- Students' right to access their records
- The “musts” and “mays” in FERPA
- Parents/parental disclosure
- Legitimate Educational Interest

KEY TERMS OF FERPA

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

WHAT IS AN “EDUCATION RECORD?”

- Any record 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 which (handwriting, print, tapes, disks, film, etc.) contains 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
- Doctor-patient privilege records
- Alumni Records

“PERSONALLY IDENTIFIABLE”

Personally Identifiable means data or information which includes:

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

MGA Directory Information



- Student's Name
- Mailing Addresses
- Telephone Number
- Major Field of Study/Degree
- Expected date of completion of degree requirements/graduation
- Degrees and awards received
- Dates of Attendance
- Full or part-time enrollment status
- Student Classification
- Previous educational agency or institution attended
- Participation in officially recognized athletics and activities

WHAT CAN DIRECTORY INFORMATION NEVER INCLUDE?



- Race
- Gender
- Social Security Number
- Grades
- GPA
- Country of citizenship
- Religion

WHAT IS AN EDUCATION RECORD? (SUMMARY)



If you have a record that is:

- Maintained by the institution
- Personally identifiable to a student (directly related to a student and from which a student can be identified)

Then, you have an education record and

It is subject to FERPA!

“SCHOOL OFFICIALS”



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

1. Employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement and health staff personnel);
2. Or a company employed by or under contract to the University to perform a special task such as the attorney, auditor, collection agency, or an official of the National Student Clearinghouse.

REQUIREMENTS FOR COMPLIANCE



Provide students with annual notification with access to their education records

Students have a right to:

1. Inspect and review within 45 days of the request to inspect.
2. Request an amendment of the education record if the record is inaccurate, misleading or in violation of their privacy rights.
3. Consent to disclosures of personally identifiable information (or to block even the release of their directory information)
4. File a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

Scenarios Where The University May Disclose Education Records Without Consent



- To comply with a judicial order or a lawfully issued subpoena;
- To appropriate parties in a health or safety emergency;
- To officials of another school, upon request, in which a student seeks or intends to enroll in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- To certain officials of the U.S. Department of Education, the Comptroller General, to state and local educational authorities, in connection with certain state or federally supported education programs;
- To accrediting organizations to carry out their functions;
- To organizations conducting certain studies for or on behalf of the University;
- The results of an institutional disciplinary proceeding against the alleged of a crime of violence may be released to the alleged victim of that crime with respect to that crime.

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 also obtain non-directory information by obtaining a signed consent from their child. **MGA considers all students independent for the purposes of complying with FERPA.***

***There are provisions under FERPA that would allow the release of information to parents or others in cases of health or safety emergencies and violation of any Federal, State, or local law governing the use or possession of alcohol or a controlled substance.**

Faculty Information



- **Faculty Handbook**

Review the MGA Faculty Handbook (5.04.13) for additional information on FERPA compliance for faculty.

- **Grades**

Students' scores or grades should not be displayed publicly. Grades, transcripts or degree audits distributed for purposes of advisement should not be placed in plain view in open mail boxes located in public places.

- **Papers**

Graded papers or tests should not be left unattended on a desk in plain view in a public area nor should students sort through them in order to retrieve their own work.

Faculty Information



- **Athletes**

The education records of student athletes are covered by FERPA. Without a signed consent form, personally identifiable information may not be disclosed from the education records of student athletes.

- **Class rosters/grades sheets**

These and other reports should be handled in a confidential manner and the information contained on them should not be re-disclosed to third parties.

- **Banner Ellucian/SWORDS**

Access to the Banner Student Information System is not tantamount to authorization to view the data. Faculty are deemed to be "school officials" and can access data if they have a "legitimate educational interest." A legitimate educational interest exists if the faculty member needs to view the education record in order to fulfill his or her professional responsibility. Neither curiosity nor personal interest are a legitimate educational "need to know."

MGA Links and Forms

- **FERPA FAQ** <https://www.mga.edu/registrar/ferpa/ferpa-faqs.php>
- **Student Notification of Rights Under FERPA and Non-Release of Information Form**
<https://www.mga.edu/registrar/ferpa/ferpa-notification.php>
- **Student Consent For Access to Educational Record (Release of Information Form)**
https://www.mga.edu/registrar/docs/Consent_FERPA_Release_Form-Student_Services.pdf

When In Doubt, Don't Give It Out! Just Ask!



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**Best Practical Advice: Treat A Student's Records As If They Were Your Own...Always
Protect and Err on the Side of Caution!**

Adapted from AACRAO
Federal Compliance Committee