

# **Understanding and Complying with FERPA**

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**A Guide for Faculty & Staff:  
The Institute of World Politics**

**Issued by the Office of the Registrar  
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# What is FERPA?



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Privacy Act of 1974.

- Also known as the Buckley Amendment.

# 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.”

# Why Comply with FERPA?

- **It's the Law.**
- **Failure to comply could result in the withholding of Federal Funds, including Student Financial Aid.**
- **Lawsuits caused by violations cost time and \$\$\$.**

# Family Educational Rights and Privacy Act of 1974

- This act is enforced by the Family Policy Compliance Office, U.S. Department of Education, Washington, DC.
- The Family Policy Compliance Office is the office within the Department of Education that administers FERPA and is responsible for providing technical assistance regarding FERPA to educational institutions.

FERPA is applicable to both K-12 and higher education. The Family Compliance Office is responsible for both levels of education.



The main difference in FERPA between these two levels is that the rights ascribed to the “student” at the higher education level are the parents at the K-12 level. FERPA rights are granted to parents until their son/daughter reaches the age of 18 or begins attending an institution of higher education regardless of age.

# Key Terms

- Student
- Education Record
- School Officials
- Personally Identifiable
- Directory Information

# The Essence of the Act

- 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 their written permission, unless such action is covered by certain exceptions permitted by the Act.

# Who is and is not covered under FERPA?

- **Students who are or have been in attendance at a postsecondary institution are covered under FERPA.**
- **Applicants who are denied admission or who never attend are not covered under FERPA.**

# When do FERPA rights begin and end for a student?

- Rights begin when the student is “in attendance” as defined by the institution.
- For IWP this means a student is officially registered for at least one class and that class has started.
- FERPA rights continue after the student leaves the institution and are only terminated upon death of the student.

# Student (and former student) Rights under FERPA

- To inspect their education records.
- To request an amendment to their record and a hearing if the request is for amendment is unsatisfactory.

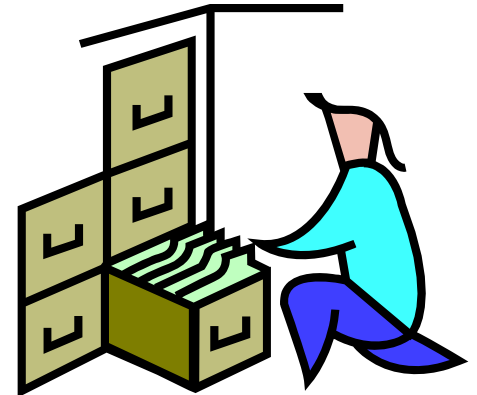


# Student (and former student) Rights under FERPA (Cont.)

- To file a complaint with The U.S. Dept. of Education if they feel their rights are being violated.
- To expect that their education records are kept confidential except where special provisions are made.
- To suppress the disclosure of directory information.

# What are Education Records?

- All records that directly relate to a student and are maintained by an institution.
- These records can be in any media form: handwritten, print, type, film, electronic, microfiche, etc.



# What information might need to be handled in a secure way?

Any personally identifiable piece of information, other than strictly directory information. Items such as those listed below fall into this category.

- Registration forms
- Transcripts
- Student information displayed on a computer screen
- Grades
- Student schedules
- Class assignments
- Class Rosters
- Any paper with the student's SSN on it.

# What are *not* considered to be Education Records:

- **Personal Notes – kept by a faculty/staff member if kept in the sole possession of the one who made the record.**
  - **Personal Notes taken in conjunction with any other person are not sole possession notes.**
  - **Sharing personal notes with another person or placing them in an area where they can be viewed by others makes them “educational records”.**

# What are *not* considered to be Education Records:

- Law Enforcement Unit Records – **maintained solely for law enforcement purposes & revealed only to law enforcement agencies.**
- Employment Records – **of those whose employment is not contingent upon being a student.**
  - **Records created as a result of being a student (work study, graduate assistant, etc.) are education records.**
- Medical Records - **created by a health care professional used only for the medical/health treatment of the student.**
- Alumni Records - **created after student has left the institution.**

# What information can be released?

- Directory Information.
- Information that the student has given written consent to release.
- Information needed by IWP officials who have a “legitimate educational interest”.
- Information needed by certain government agencies.

# What is “directory information”?

- o It is information that can be released without the student’s written consent.
- o Each college/university, to some extent, can determine what information is classified as directory information.

## Directory Information at IWP includes:

- Name
- IWP E-mail Address
- Enrollment status (full-time, part-time, or less than part-time)
- Dates of attendance
- Degrees and certificates received including date awarded

# Student's Right to Privacy

- Students have the right under the law of FERPA to request that their directory information *not* be released.
- To do so, students need to submit a request in writing to withhold disclosure of directory information
- Non-disclosure will remain applicable until the student submits a written request specifying otherwise

# Who can access Student Information without obtaining written consent?

- IWP faculty, staff, and other designated officials, who, to carry out their responsibilities, have a legitimate educational interest.



A **Designated University official** is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff). Also considered university officials are persons or companies with whom the University has contracted (such as an attorney, auditor, or collection agent), temporary employees, student workers, and graduate assistants employed by the university.

# Legitimate educational interest is defined as the need to know in order to:

- ❑ Perform an administrative task outlined in persons official job duties
- ❑ Perform a supervisory or instructional task directly related to the student's education
- ❑ Perform a service or benefit for the student such as health care, job placement, financial aid, etc.
- ❑ **Note: A professor's desire to know how a student has performed in previous IWP courses (viewing student transcripts) – as a way to gauge if the student is prepared for his/her course is NOT "legitimate educational interest". This can lead to biased grading, and is a violation of FERPA!**

# Who else can access Student Information without obtaining prior written consent?

- The individual student
- Whomever the student authorizes by providing the institution with a written release (release must be written, signed and dated and must specify the records to be disclosed and the identity of the recipient)
- Any party requesting directory information (unless the student has requested non-disclosure)
- IWP officials of who have a legitimate educational interest
- Officials of other schools in which a student seeks or intends to enroll or is enrolled



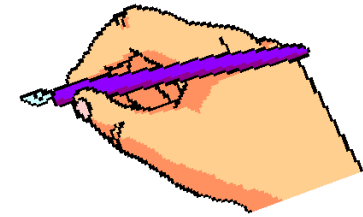
# Who else can access Student Information without obtaining prior written consent?

- ❑ Parents if parents claim the student as a dependent for tax purposes. IWP will exercise this option only on the condition that evidence of such dependency is furnished to the Office of the Registrar and all requests for disclosures are referred to that office
- ❑ Persons in connection with a health or safety emergency

# Parents' Rights



- Parents may obtain directory information.
- Parents may obtain non-directory information by obtaining a signed consent from their child.



## TAKE NOTE:

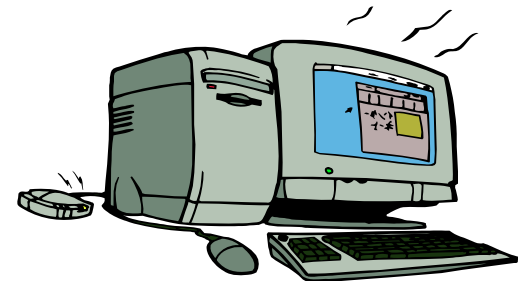
- Access to student information via computer software does not authorize unrestricted use of that information.
- Curiosity is not a valid reason to view student information.
- Records should only be accessed in the context of official business.

## MORE Important Info:

- When in doubt – *don't give it out.*
- Refer all requests for student academic information to the Office of the Registrar.
- Information about a student can be released with a signed consent from the student.
- Information on a computer should be treated with the same confidentiality as a paper copy.

# More, more important info:

- Do not leave confidential information displayed on an unattended computer.
- Cover or put away papers that contain confidential information if you are going to step away from your desk.



# Record Disposal

- Records containing Social Security Numbers or grades should be shredded, not just thrown in the garbage or placed in an unsecured recycling bin.



# Helpful Hints for Faculty

## To Avoid FERPA Violations – **Please Do Not:**

- Use the SSN/Student ID to post grades.
- Leave graded tests in a stack for students to sort through.
- Circulate a printed class list with the Student Name and SSN/Student ID.

# Helpful Hints Continued ....

## To Avoid FERPA Violations – **Please Do Not:**

- Provide anyone with student schedules.
- Provide anyone with lists of students enrolled in your classes.
- Include confidential information (i.e. grades, GPA, #of credits) in a recommendation letter without the written consent of the student.

# Letters of Recommendation

- If non-directory information is included in a letter of recommendation, you must have a signed consent from the student.
- The signed consent should include the following:
  - Who has permission to write the letter
  - Where the letter should be sent to
  - What non-directory information should be included

# Sample Permission Letter for Writing a Letter of Recommendation

I give permission for Dr. Reid to write a letter of recommendation to:

Home Depot  
111 Home Depot Street  
Washington, DC 20024

Dr. Reid 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.

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Signature

Date

# Any Questions???

## Contact:

- Hasanna Benson-Tyus, Registrar  
(202)462-2101 ext. 314  
benson@iwp.edu

- More FERPA Information:

<http://www.ed.gov/policy/gen/reg/ferpa/index.html>

[http://www.aacrao.org/ferpa\\_guide/enhanced/main\\_frameset.html](http://www.aacrao.org/ferpa_guide/enhanced/main_frameset.html)