

FERPA – A Brief Overview for Faculty and Advisors



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.



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."



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.





“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.



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.
- Doctor-patient privilege records
- Alumni Records



“SOLE POSSESSION NOTES”

Are made by one person as an individual observation or recollection, are kept in the possession of the maker, and are only shared with a temporary substitute.

- This term has always been narrowly defined.
- Notes taken in conjunction with any other person are not sole possession notes (counselor's notes, interview notes).
- Sharing these notes with another person, or placing them in an area where they can be viewed by others makes them “education records” and subject to FERPA.
- Best advice: If you don't want it reviewed, don't write it down.



FERPA AND THE ABAC CAMPUS

- All ABAC employees who have access to student records are responsible for guarding the confidentiality of student records
- Specifically, requests for access to records, requests for amendment of records and complaints regarding any violation of FERPA should be filed with the Registrar





FERPA AND THE CLASSROOM

- What specific FERPA issues do you face in the classroom?





DIRECTORY INFORMATION INCLUDES..

Directory Information *may* include the following student information:

- Student's name and address
- Telephone number and email address
- Date/place of birth
- Major and grade level
- Enrollment status
- Dates of attendance
- Degrees and awards received
- Participation in officially recognized activities and sports
- Height/weight of athletic team members



[ABAC's Directory Information.....](#)



WHAT CAN DIRECTORY INFORMATION **NEVER** INCLUDE?

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



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



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 no longer have the right to access records of students.
- Parents may obtain non-directory information (grades, gpa, etc.) only at the discretion of the institution **AND** after it has been properly determined that their child is legally their dependent. This is done through the Registrar's Office.





EXAMPLES

- It's an emergency!
- Dad says, "I pay the bills! What do you mean you can't tell me anything!"
- The projects may be picked up from the box outside my door.
- A recruiting firm requests names and address of students in your program.
- A policeman wants to know if a student attended on a particular day.
- Please write a recommendation for me.



REMEMBER.....

- It is far better to NOT release information than to release information incorrectly.
- Refer all requests for information to the Registrar's Office, unless the student is requesting something specific to your classroom.
- Failure to comply with FERPA can cause legal difficulty for ABAC.





ALSO REMEMBER.....

- You must ensure that your computer is password protected and secure when you are away from your desk.
- Keep paper documents containing student academic information behind locked doors.
- Be sure you know who you are speaking with on the phone!

