

FERPA 101



*The basics of
The Family Education Rights & Privacy Act
at Campbell University*

What is FERPA?

- ❖ The Family Education Rights and Privacy Act is a Federal Law that protects the privacy of student education records. The law applies to all schools that received funds under an applicable program of the U.S. Department of Education.

Students' Rights

- ❖ Eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as a great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Students' Rights continued . . .

- ❖ Eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

These additional rights apply:

- The right to have some control over the disclosure of information
 - *Forbid disclosure of “directory” information
 - *Direct institutions to distribute records (transcripts) to third parties on their behalf

The right to obtain a copy of the University’s FERPA policy

The right to file a complaint with the FERPA office in Washington, D.C.

Releasing Information . . .

- ❖ Generally, schools **must have written permission** in order to release any information from a student's education record.

- ❖ FERPA allows schools to disclose records, without consent, to the following parties under the following conditions:
 - ❖ School officials with legitimate educational interest;
 - ❖ Other schools to which a student is transferring;
 - ❖ Appropriate parties in connection with financial aid to a student;
 - ❖ Organizations conducting certain studies for or on behalf of the school;
 - ❖ Accrediting organizations;
 - ❖ To comply with a judicial order or lawfully issued subpoena;
 - ❖ Appropriate officials in cases of health and safety emergencies; and
 - ❖ State and local authorities, within a juvenile justice system, pursuant to specific State law.

❖ Schools may disclose without consent predefined “directory” information. Campbell University has taken a conservative position and will release only the following:

❖ Student’s name;

❖ Academic majors and minors;

❖ Academic classification (freshman, sophomores, etc.); and

❖ e-mail addresses

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- ❖ The Department of Education strongly encourages those who control student data to proactively notify parents and eligible students prior to disclosing personally identifiable information from the student's education records; however, this notification is not always possible. Nonetheless, when an exception to the general consent requirement in FERPA applies, specific information **must be** recorded in the student's file that describes what information was disclosed and to whom it was provided. In addition, an eligible student must be able to obtain information on these disclosures by reviewing the student's education record.

Things that you **must** do:

- ❖ Obtain written authorization from a student prior to releasing *any* personally identifiable information from that student's record;
- ❖ Prior to meeting with a student and a third party (parent, spouse, or sibling) make sure that the student understands and approves of what is to be discussed.
- ❖ Keep careful and thorough notes of meetings and conversations involving yourself, students, and third parties.

Things the University Officials must *not* do:

- ❖ Post student rosters, test results, and examination grades for general consumption;
- ❖ Share University computer passwords or accesses with anyone;
- ❖ Leave computers or laptops unattended or unsecured;
- ❖ Share personally identifiable student information with other *agents of the University* unless those persons have a “need to know;” student workers must have a signed confidentiality pledge on file.
- ❖ Release specific academic information in references and letters of recommendation unless you have a signed authorization permitting you to do so.

What to do if . . .

- A parent of an eligible student requests to discuss a student's progress, grades, transcript, or other personally identifiable information:
 - ✓ *The Registrar's Office checks to see if we have a signed release on file which will permit us to speak with the person(s) making the request . . .*
 - ✓ *If no release is present in the file, we insist that the student be present and authorize the discussion before we proceed . . .*
 - ✓ *If we remain at an impasse, we explain to the third party that we are required by FERPA to protect the student's privacy. If the third party (parent or guardian) can produce proof of dependency (federal income tax return), we can release the information. Note: we have never had to enforce this requirement.*
 - ✓ *Please note that if the Registrar's Office holds an 'authorization to release' we can forward it to faculty members should the need arise.*

Why the eligible student should be present (whenever possible) when elements from the permanent record are discussed with third parties . . .

- Having the eligible student present assures that the student is comfortable or at least approves of the release and has signed an appropriate release form . . .
- It eliminates the necessity of having to repeat the information to the eligible student at a later time.
- It eliminates the problem of “*he said, she said*” and having to defend or refute a previous conversation.
- **Note: In any case, keep thorough notes.**

For Additional information ...

- Consult the Department of Education's FERPA Website at:
www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html
- The Registrar's Handbook on the Campbell University Website.
- *Remember, this law is continually evolving. Be vigilant and conservative and refer complex problems or situations to the registrar or the University Counsel, Mr. Robert Cogswell.*