



# **Family Educational Rights & Privacy Act (FERPA)**

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# What is FERPA?

- ◆ FERPA is a Federal Law (*also known as the Buckley Amendment*)
- ◆ Protects the privacy of a student's educational records
- ◆ Applies to all educational agencies or institutions that receive funds under any program administered by the U.S. Department of Education



# Primary Rights under FERPA

**FERPA ensures students the following primary rights:**

- ◆ **Right to inspect and review education records**
- ◆ **Right to seek to amend education records**
- ◆ **Right to have some control over the disclosure of information from education records**



# What if FERPA is violated?

- ◆ An institution can lose all federal funding (including financial aid and educational grants)
- ◆ A student can be put in jeopardy

# Definitions

- ◆ **Student**: any individual who is or has been in attendance at TWU for whom TWU maintains an educational record
- ◆ **Educational Record**: any record (handwritten, printed, taped, filmed, or preserved in any medium) that is maintained by TWU or its agent and that is directly related to a student.





## Definitions (cont.)

- ◆ **School Official:** any administrator, faculty, staff, committee member, or student employee who performs a function or task on behalf of or at the request of the university. Also may include contractors, consultants, volunteers or other individuals to whom the university has outsourced a university function.
- ◆ **Legitimate Education Interest:** information needed for a school official to fulfill their official professional responsibilities.
- ◆ **Directory Information:** information contained in the education record of a student that would generally not be considered harmful or an invasion of privacy if released.



# Educational Records

## ♦ Education records at TWU do not include:

- Records/notes in sole possession of maker not accessible or revealed to any other person except a temporary substitute
- Alumni records containing info collected after the student is no longer in attendance and not related to individual's attendance as a student
- An employment record of an individual if the employment is not contingent on status as a student and record is only used in relation to employment



# Educational Records


## ♦ Education records at TWU do not include:

- Records created and maintained by the campus police for law enforcement purposes
- Records created and maintained by physicians or psychologists used only for treatment and are only made available to those providing treatment
- Grades on peer-graded papers before they are collected and recorded by an instructor





# Educational Records

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- ◆ Educational records containing personally identifiable information cannot be released to anyone without signed, written authorization from the student specifying the specific information to be released and to whom.
  - ◆ The law does provide certain exceptions that will allow for an institution to release personally identifiable information from a student's education record without student consent. The institution must specify the exceptions in its annual FERPA notification to students.

# Educational Records

**TWU may disclose personally identifiable information from a student's record without student consent to:**

- School officials who have a legitimate educational interest
- Parents when:
  - student is claimed as dependent on most recent tax return
  - student has violated a federal, state, or local law governing alcohol or controlled substances and the student is under 21
  - a health or safety emergency necessitates disclosure to protect the health or safety of the student or another individual
- Officials of another school to which a student seeks or intends to enroll
- Certain representatives of the federal government
- State educational authorities
- Accrediting organizations
- Appropriate parties in a health or safety emergency



# Educational Records

**TWU may disclose personally identifiable information from a student's record without student consent to:**

- Organizations conducting studies for or on behalf of educational institutions or agencies
- Financial aid personnel in conjunction with an application for or receipt of financial assistance
- Individuals delivering a judicial order or lawfully issued subpoena
- Victims of an alleged perpetrator of a crime of violence or a non-forcible sex offense
- Any member of the public in matters relating to sex offenders and information provided to TWU under relevant Federal law.
- To the originating party identified as the party that created the record (i.e. transcript from previous institution to verify validity)
- Individuals requesting records for students who are deceased
- Directory information





# Directory Information at TWU

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- ◆ Name
- ◆ Address
- ◆ University assigned e-mail address
- ◆ Telephone listings
- ◆ Month, day & place of birth
- ◆ Major field of study
- ◆ Degrees, honors & awards received (including selection criteria)
- ◆ Dates of attendance
- ◆ Most recent previous school attended
- ◆ Classification
- ◆ Participation in officially recognized activities & sports
- ◆ Weight & height of members of athletic teams
- ◆ Photograph
- ◆ Expected graduation date
- ◆ Dissertation & thesis titles
- ◆ Enrollment status
  - UGRD or GRAD
  - Full or Part time





# Directory information can **NEVER** include:

- ◆ Social Security number
- ◆ Student ID number
- ◆ Race
- ◆ Ethnicity
- ◆ Nationality
- ◆ Gender





# Withholding Directory Information

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- ◆ **Students have the right to have their directory information withheld**
- ◆ **Student must request in writing prior to the census date to have their directory information withheld to ensure it will not be released.**
- ◆ **Once the withhold directory information flag is placed on the student's account, it will remain in perpetuity, even after graduation, until the student requests in writing for it to be removed.**
- ◆ **To verify if the directory information has been withheld, check the "Dirctry" field in the BIO mnemonic. If the field has "N", then the student has opted to have their directory information withheld.**
- ◆ **Once the information is withheld, NO information on the student, not even an acknowledgement of existence, can be released without the student's signed, written consent.**



# QUIZ



# TRUE or FALSE?

**#1: A 17 year old student is taking summer courses at TWU, and their parent calls to find out their course schedule. Since the student is under the age of 18, you can provide this information to the parent without a release or proof of dependency.**

**FALSE**



# TRUE or FALSE?

**#2: The parent of a 16 year old dual credit student from the local high school calls asking for the final grade the student made in the course. Since the student is a dual credit student and still in high school, where the parent shares the FERPA rights with the student, you can provide this information.**

**FALSE**



**Once a student enrolls in a course at the post-secondary level, regardless of the student's age or career level, all FERPA rights transfer solely to the student for those records related to the post-secondary enrollment.**

**Parents can either provide a student-signed written release or proof of dependency.**





**#3: You receive an email from a student asking about specific educational information. The email address is txrangers#1fan@yahoo.com. Can you provide the information?**

**No. Since it is not the university-assigned email address, you cannot verify the identity of the sender.**



**#4: You receive an e-mail from rangers#1fan@yahoo.com asking for registration dates and course offering information. You reply to the email with the requested information. Has a FERPA violation occurred?**

**No, as long as the information provided is general in nature and does not contain any specific, personally identifiable student information.**



# True or False

**#5: Spouse of a student calls asking for a student's schedule so they can bring them lunch. They have the student ID, the SSN, and the date of birth. With this combination of information, you can provide them the requested items.**

**FALSE**



**#6: Student is on the phone and does not know their school ID and wants to provide their SSN for you to access their record. Can you use the SSN to retrieve their record?**

**No. By using the SSN to retrieve their record, you are confirming the SSN. For verification over the phone when there is no photo ID to verify, use a combination of questions (3-5) to ensure proper identify (name, date of birth, last 4 of SSN, phone number, address).**



# True or False

**#7: A spouse of a student who is also a faculty member at TWU calls asking for specific information from the student's educational record. Since they are an employee of the institution, you can provide this information.**

**False.**

**School official must have a legitimate educational purpose (information is needed to fulfill their professional responsibilities).**





# True or False

**#8: Dr. Einstein does not use blackboard, and wishes to post his classes' grades outside his office door. In doing so, he has violated FERPA.**

**Maybe.**

**Grades can never be posted using any personally identifiable information, or any portion of a student's name or ID. Grades CAN be posted if the instructor assigns each student a random identifier that is only shared between the instructor and the student, and contains no part of any personally identifiable information.**



# True or False

**#9: Julie has requested that TWU withhold her directory information. Since her directory information is withheld, instructors cannot call her name out loud when taking attendance and cannot include her name on an attendance roll sheet that is passed around.**

**FALSE**

**The Department of Education has verified that students do not have the right to be anonymous in class, and there is no right to privacy that prevents them from being on an attendance roll sheet or participating in class groups.**



# True or False

**#10: A student who is running for political office mentions in a news conference a number of specific items regarding their academic record. A newspaper calls you to verify if what they said is true. Since the student has already put it out in the public domain, they have provided implied consent and you are free to confirm their public claims.**

**False**

**There is no implied consent with FERPA.**



**#12: Joanna is a member of the softball team and will be out of town for a game on the day you hand back the students' graded research paper proposals. She has asked her friend Bridget to pick her paper up so she can get started on it as soon as she returns. How would it be permissible for you to allow Bridget to pick up Joanna's graded paper?**

**Joanna can sign a written release specifying that she gives permission to Bridget to pick up her paper.**





**Remember...**

**When in doubt, don't give it out!**







# **FERPA Help & Training**

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**<http://www.twu.edu/registrar/academic-records-policy.asp>**