

## FERPA Basics

### Family Education Rights and Privacy Act 1974

- Federal law designed to protect the privacy of a student's education records.
- FERPA provides a framework for educational institutions regarding the use and release of a student's education record.

### When do FERPA rights begin?

- The rights to the educational record transfer from the parent to the student when:
  - Student reaches 18 years of age or older**OR**
  - Student enters a postsecondary educational institution

### What are student primary rights under FERPA?

- Inspect and review educational records
- Amend educational record
- Consent to disclosure of educational records

### What student information is subject to FERPA?

- Information from a student's education record is protected under FERPA. An education record is defined as a record:
  - Maintained by the college
  - Directly related to a student
  - Containing information by which a student can be personally identified
- Examples of education records are:
  - Transcript
  - Schedule
  - Billing statement
  - Grade roster

### What records are not subject to FERPA?

- Sole possession record
- Law enforcement record
- Employment record
- Medical/treatment record
- Alumni records
- Peer grading

### What information can be provided without the student consent?

- Directory information can be provided without the students consent. Refer to board policy F-8 for a list of current directory information.
- Students have the right to suppress the release of directory information.
- Examples of directory information include:
  - Name
  - Address
  - Enrollment status
  - Dates of attendance
  - Graduation status
  - Program
  - Honors
  - Height and weight of athletes

### **What happens if a student invokes their right to suppress directory information?**

- The college representative must not acknowledge the existence of the student or release any information about the student.
- Statements such as "*there is no information available for any student by that name*", must be used if requests are made regarding the student.
- While information cannot be shared externally, the student cannot be anonymous in the classroom.
- Students suppressing their directory information must complete the **Request to Suppress Directory Information Form** located in Enrollment Services.
- The suppression of information will remain in effect until the student revokes their previous submission.

### **What information cannot be released without the student's written consent?**

- Any education record not considered directory information requires a student's written consent before being released (some exceptions apply).
- Some examples of non-directory information include
  - Transcripts
  - Schedules
  - Grade rosters
  - Billing information

### **Under what circumstances can non-directory information be released without the student's written consent?**

- There are instances in which non-directory information can be released without the student's written consent. Some of those instances include:
  - School official - legitimate educational interest
  - Health and safety emergency
  - Research
  - Accreditation/audits
  - Subpoena
  - Parents of dependent students (IRS definition)

### **How can a parent gain access to a student's education record?**

- A student can sign a release of confidentiality permitting the parent access to the educational record.
- A parent may provide IRS documents reflecting the student being claimed as a dependent for the most current tax year.

### **Can professors e-mail students their grades?**

There is no guarantee of confidentiality in transmitting information electronically via campus e-mail. If there is an unauthorized release of grades to someone who is not a school official, the institution could be found in violation of FERPA. Professors are encouraged to utilize Desire 2 Learn when communicating course grades.

### **Is a student's written consent required in order to write a letter of recommendation?**

When completing letters of recommendation, statements regarding personal observations or knowledge of the student do not require a student's consent prior to the letter being released. But, if the letter contains information from the student's educational record (i.e. grades, GPA), the student's written consent is required to include the information. If a release is required, the student must complete the **Letter of Recommendation Release Form** which is available in the Office of Enrollment Services.

### **Where can I find additional information related to FERPA?**

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, D.C. 20202-5901  
[ferpa@ed.gov](mailto:ferpa@ed.gov)