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FERPA

Family Education Rights and Privacy Act

This presentation provides a general overview of the Family Education Rights and Privacy Act (FERPA).

Knowledge of FERPA is required in order to receive Banner access.

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FERPA Basics

The student has the right to consent prior to the disclosure of the student's education records to third parties.

The student has the right to inspect and review all personally identifiable education records (pertaining to that student) maintained by the university

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What is an “Education Record”

An education record contains information that is directly related to a student (and is “personally identifiable”) and;

Is maintained by the school or another party acting on behalf of the school.

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Who is a “Right Holder”

Either parent of a student, in a school which receives federal funds, except:

1. When a student reaches the age of 18 years, or attends a postsecondary institution, FERPA rights pass from the parent(s) to the student.
2. The rights of a student begin when the student is in attendance as defined by the institution.

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Parent Rights vs. Student Rights

Parents may obtain access to their child's education records by:

1. Obtaining the records from their student; or
2. Obtaining written consent from their student to allow the university to provide records to the parent.

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Annual Notification

The university must annually notify students of their right to:

- Inspect and review their educational records;
- Seek amendments to their education records;
- Consent to disclosures, except to the extent that the law authorizes disclosure without consent; and
- File a complaint with the U.S. Dept. of Education alleging failure to comply with FERPA requirements.

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General Rules

1. The university must comply within 45 days after it has received a proper request for access to records.
2. The university must respond to reasonable requests for explanations and/or interpretations of the records.
3. The university may not disclose personally identifiable information from the student's education records without the student's written consent unless a qualified exception exists.

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Disclosure Exceptions

The university may disclose without student consent under the following conditions:

1. To school officials who have been determined to have legitimate educational interests.
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
3. To specified state and local authorities, or to comply with a judicial order or lawfully issued subpoena.

Disclosure Exceptions

4. If the disclosure is in connection with a health or safety emergency.

   A record of the disclosure should be placed in the record indicating who authorized the disclosure and why.

5. If the disclosure is to an alleged victim of any crime of violence and pertains to the results of any disciplinary proceeding conducted by the school against the alleged perpetrator of that crime with respect to that crime.

Disclosure Records

The university must maintain a record of each request for access to, and each disclosure of, personally identifiable information from individual student records unless the disclosure was to:

- The student;
- A school official with legitimate interest;
- A party with written consent from the student;
- Under the terms of certain forms of a subpoena; or
- Directory information

Directory Information

Directory information includes:

- Student name
- Addresses
- Email addresses
- Telephone numbers
- Photographs
- Class year
- Major field of study
- Dates of attendance
- Degrees and awards
- Club/fraternity membership
- Activities/sports participation
- High school attended
- Other colleges attended
- Parent names/addresses
- Anticipated graduation date

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Directory Rules

The university may disclose information it has designated as “directory information”.

Exception: A student may request their directory information be withheld.

- The university must define and publish its definition of directory information. This is typically included in the annual notice sent to students.
- The university may disclose the directory information of former students without providing notice, unless the student requested their information be withheld prior to leaving the university.

Directory Rules

If a student wishes to have their directory information withheld from third parties, a form must be submitted to the Registrar.

- The non-disclosure order for directory information must be made prior to or during the first week of attendance to guarantee non-disclosure.
- The order will remain in place until rescinded and will prevent disclosures for future terms of attendance.
- The Registrar notes the order on the student record and notation appears on appropriate records which are easily accessible.

Directory Rules

When a non-disclosure order for directory information is active, it is a violation of the student's rights to acknowledge the student has a record in the system at all.

- The FERPA compliance office suggests that when a request for information is received concerning a person who has an active non-disclosure order, you respond:

"I have no information to release related to that individual"

FERPA Resources

For advice as to how to handle specific situations or answers to general questions, please contact:

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