

FERPA – Rights & Obligations

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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.”



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.



THE ESSENCE OF THE ACT

- Students, **regardless of age**, are protected by FERPA upon enrollment at an institution of higher education,
- College students must be permitted to inspect their own **education records**.
- **School officials** may not disclose **personally identifiable information** about students nor permit inspection of their records without written permission unless such action is covered by certain exceptions permitted by the Act.
- Student = "Owner" of their education record
- Institution = "Custodian" of the education record



KEY TERMS

- Education Record
- Personally Identifiable
- Directory Information
- School Official



REQUIREMENTS FOR COMPLIANCE

What we must do...

- Provide **annual notification** to students of their FERPA Rights
- Provide students **access** to their education records



WHAT IS DEFINED AS DIRECTORY INFORMATION AT SBCC?

Directory Information includes the following student information:

- Names of students who participate in officially recognized activities and sports
- Names of student officers
- Names of students who are members of athletic teams
- Names of students who receive degrees and awards
- Confirmation if an individual is enrolled in the current term
- Students' dates of enrollment
- Students on the President's Honor Roll
- Student SBCC assigned email address (college business only)



“SCHOOL OFFICIALS”

A **school official** can be a person:

1. Employed by the college in an administrative, supervisory, academic, research, or support staff position (including law enforcement and health staff personnel),
2. Elected to the Board of Trustees,
3. Or company employed by or under contract to the college to perform a special task such as the attorney, auditor, or collection agency,
4. Or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.



“LEGITIMATE EDUCATIONAL INTEREST”

- The demonstrated need to know by those officials of an institution who act in the student's educational interest, including faculty, administrators, clerical and professional employees, and other persons who manage student record information.
- Although FERPA does not define “legitimate educational interest”, it states that institutions must specify the criteria for determining it.



“LEGITIMATE EDUCATIONAL INTEREST” at SBCC

- A person:
 - performing a task that is specified in his/her position description or contract.
 - performing a task related to a student’s education.
 - performing a task related to the discipline of a student.
 - providing a service or benefit relating the student such as health care, counseling or job placement.



PARENTS



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 may obtain directory information only at the discretion of the institution.
- Parents may obtain non-directory information (grades, gpa, etc.) by obtaining a signed consent from their child.
 - At SBCC, this access is limited to academic records, e.g. transcripts, schedule of classes, verification of enrollment etc .



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



THE LAWFUL WAY TO PUBLICALLY POST GRADES

- Faculty must assign some code that is only known to him/her and each individual student.
 - It should be randomly assigned
 - The alphabetical order of the list should be rearranged so that those with last names of 'A' and 'Z' cannot be personally identified.



LETTERS OF RECOMMENDATION

- Should faculty and school officials require written authorization from a student prior to writing a letter of recommendation?

?



SAMPLE PERMISSION LETTER TO WRITE A LETTER OF RECOMMENDATION

I give permission to Prof. Kostal to write a letter of recommendation to:

Annie's Catering
344 Willow Dr.
Lynchburg VA 24502

Prof. Kostal has my permission to include my grades, GPA, and class rank in this letter.

I waive/do not waive my right to review a copy of this letter at any time in the future.

Signed

Date



TECHNOLOGY

- Password protect files that contain student data.
- Delete files that you do not need to maintain.
- Pipeline
 - Make sure your password is secure
 - Be sure to logout when finished – especially in public places
- Email
 - Do not include student I.D. in the subject line
 - Do not send student information to an outside email address (sbcc.edu and pipeline only)



SCENARIO 1

An individual walks into your office with a signed letter giving you consent to release the grades of a current student. Do you give this information to him/her?



SCENARIO 2

A person retrieves information about a student from your computer that you left unattended. Under FERPA, are you responsible?



SCENARIO 3

A parent calls to ask how his son/daughter is doing in class. Is it alright for you to give the parent information about the student's attendance and grades?



SCENARIO 4

A faculty member posts grades using the SBCC Student I.D. (K000000000). Under FERPA, is this permissible?



SCENARIO 5

You receive a frantic call from the father of one of your students. He states it is an emergency and he must get in touch with his daughter. He believes she is in your class. The student is not attending. Should you provide him with this information?



SCENARIO 6

FERPA prohibits faculty to leave exams, papers etc. outside of their office for students to pick up.

True or False



SCENARIO 7

A high school student, under 18, is registered in your class through the Dual Enrollment program. Are you permitted or required to answer the parent's questions under FERPA?



SCENARIO 8

SBCC directory information includes all of the following except:

- a. Dates of attendance
- b. Verification of current enrollment
- c. Student's personal email address
- d. Degrees awarded



SCENARIO 9

A faculty or staff member has the right to inspect education records of any student attending SBCC without giving a reason.

True or False



REMEMBER

**Your job is to protect the
student.**

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



LOCAL AUTHORITATIVE SOURCES

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THE AUTHORITATIVE SOURCE

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