



CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS

Admissions & Records

Family Education Rights & Privacy Act

2012

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www.csudh.edu

TOPICS

- What is FERPA?
- What is an Education Record?
- Disclosure of Education Records
- Exceptions to the Disclosure of Education Records
- Letters of Recommendation
- Email Tips
- Scenarios

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.

THE ESSENCE OF THE ACT

- 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*.

COMPLIANCE REQUIREMENTS

- Provide annual notification to students of their FERPA Rights
- Provide students access to their **education records** (within 45 days of a request)
- Allow students to request amendment to their **education records**
- Allow students to request that the institution not disclose their **directory information**
- Notify students that they may file a complaint with the U.S. Department of Education

WHAT IS AN “EDUCATION RECORD?”

- Education records are directly related to a student or students and are maintained by an institution or its agents.
- These records contain information from which an individual student can be **personally identified**.
- These records may be maintained in any medium including: hardcopy files, emails, electronic records, microfilm, etc.

WHAT DOES “PERSONALLY IDENTIFIED” MEAN?

Personally Identified refers to any data or information that you can use to identify an individual student such as:

- The any name referring to the student or their family members
- The student’s campus address, home address, email address, etc.
- A personal identification number such as a Social Security Number or student identification number
- A list of personal characteristics or other information which would make the student’s identity known with “reasonable certainty”

EXAMPLES OF EDUCATION RECORDS

- Graded papers
- Exams
- Transcripts
- Class lists on your desktop
- Notes from a conversation with a student
- A computer screen displaying student information
- Email containing information about a student

WHAT ARE NOT EDUCATION RECORDS

- Personal Observations
- Sole Possession Notes
- Peer Graded Papers
- Online Forums
- Law enforcement unit records
- Employment records (unless employment is based on student status)
- Medical & treatment records when the institution does not control or maintain the student health center.
- Alumni records

WHAT ARE “SOLE POSSESSION NOTES”

Are notes taken by one person as an individual observation or recollection.

- This term is narrowly defined.
- Notes taken in conjunction with any other person are not sole possession notes (counselor’s notes, interview notes).
- Sharing these notes with another person, or placing them in an area where they can be viewed by others makes them “education records” and subject to FERPA.
- Emails can never be sole possession notes.
- Sole Possession Notes may be shared with a permanent or temporary replacement.
- Best advice: If you don’t want it reviewed, don’t write it down.

EDUCATION RECORD SUMMARY

If you have a record that is:

- Maintained by your institution,
- Personally identifiable to a student (directly related to a student and from which a student can be identified), and
- Not one of the excluded categories of records...

...then, you have an education record and

It is subject to FERPA

DISCLOSURE OF EDUCATION RECORDS

Institutions shall obtain written consent from the student before disclosing any personally identifiable information from their education records (with certain exceptions). The written consent must:

1. Specify the records to be released,
2. State the purpose of the disclosure,
3. Identify the party or parties to whom disclosure may be made, and
4. Be signed and dated by the student.

DISCLOSURE OF EDUCATION RECORDS

- Institutions are responsible for informing parties to whom personally identifiable information is released that recipients are not permitted to disclose the information to others *without written consent of the students.*
- Institutions are required to use reasonable methods to identify and authenticate the identity of parents, students, school officials, and other parties before disclosing education records.

RECORD OF DISCLOSURE

All institutions are required to maintain records of requests and disclosures of education records

- These records will include the names and addresses of the requestor and his/her indicated interest in the records.
- These records of requests and disclosures are part of the student's education records and must be retained as long as the education records to which they refer are maintained by the institution.

RECORD OF DISCLOSURE

Records of requests and disclosure do not have to be kept for:

1. Requests from students for their own use
2. Disclosures in response to written requests from students
3. Requests made by school officials
4. Those specified as **directory information**

EXCEPTIONS TO THE DISCLOSURE OF EDUCATION RECORDS

- School Officials with a Legitimate Educational Interest
- Directory Information
- Disclosure to the Parent
- Other Disclosure Exceptions

SCHOOL OFFICIAL AND LEGITIMATE EDUCATIONAL INTEREST

A school officials within the institution with a legitimate educational interest may obtain information from education records without obtaining prior written consent.

AT CSUDH, A SCHOOL OFFICIAL IS A PERSON:

That has responsibilities in the campus' academic, administrative or service functions and have reason for using student records associated with their campus or other related academic responsibilities

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 a company employed by or under contract to the college to perform a specific task, such as, an agent, an attorney, an auditor, or an outsourced service provider.
4. Serving as a student representative 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” at CSUDH

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

DIRECTORY INFORMATION

- Directory Information is information contained in a record which would not generally be considered harmful or an invasion of privacy if disclosed.
- The institution must notify students of what information the institution has designated as directory information.
- Students must be given the opportunity to request that directory information not be released. This right of non-disclosure applies to directory information only. However, directory exclusion does not give students the right to remain anonymous in class or impede class communication.

Directory information must be defined as such. If a data element isn't defined as directory information *it isn't* directory information and can only be released if the student's written permission is obtained or the release meets the requirements under one of the exceptions to student's written permission found in FERPA.

CSUDH DIRECTORY INFORMATION

CSUDH has designated directory information according to the Family Educational Rights and Privacy Act of 1974 to be the student's:

- Student's Name
- Local and permanent address/telephone number
- Major field of study
- Participation in officially recognized activities/sports
- Weight/height of members of athletic teams
- Dates of attendance
- Degrees and awards received and dates
- Most recent previous educational institution attended

DIRECTORY INFORMATION CAN NEVER INCLUDE:

- Ethnicity
- Gender
- Social Security Number (or part of an SSN)
- Grades
- GPA
- Country of citizenship
- Religion
- Daily Class Schedule

RELEASE OF DIRECTORY INFORMATION

- PeopleSoft will reflect if a student has completed the form restricting the release of directory information.
- Students will be able to access their my.csudh.edu account and indicate that they do not wish this information released.

RELEASE OF DIRECTORY INFORMATION

Student Program
Student Plan
Student Sub-Plan
Student Attributes
Student Degrees

⊘
📄
📞 📅 💬

Academic Career: Undergrad and Ext Ed Credit [Career Requirement Term](#)
Student Career Nbr: 0

Find | View All
First
1 of 3
Last

Status:	Completed Program + -	
*Effective Date:	09/26/2008 31	Effective Sequence: 0
*Program Action:	COMP 🔍 Completion of Program	Action Date: 09/26/2008
Action Reason:	UGTM 🔍	Joint Prog Appr: <input type="checkbox"/>
*Academic Institution:	DHCMP CSU Dominguez Hills	
*Academic Program:	UDEG 🔍 UGRD Degree and Certificates	
*Admit Term:	2028 🔍 Fall 2002	
Requirement Term:	2028 🔍 Fall 2002	
Expected Grad Term:	2086 🔍 Summ 2008	*Campus: MAIN 🔍 CSU DH *Acad Load: Full-Time ⌵

Admissions

From Application

Application Nbr:

Application Program Nbr: 0

📄 Save
🔍 Return to Search
⏪ Previous in List
⏩ Next in List
📧 Notify
🔄 Refresh
➕ Add
📄 Update/Display
📄 Include History

[Student Program](#) | [Student Plan](#) | [Student Sub-Plan](#) | [Student Attributes](#) | [Student Degrees](#)

SOCIAL SECURITY NUMBER AND FERPA

FERPA prohibits the use of the Social Security number as an identification element when disclosing or confirming directory information.

DISCLOSURE OF EDUCATION RECORDS TO 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 at the discretion of the institution.
- Parents may obtain educational records by exercising disclosure option on any students under age 21 regarding a violation of an institutional rule or federal, state, or local law regarding the use of alcohol or controlled substance as long as state law permits.

DISCLOSURE OF EDUCATION RECORDS TO PARENTS

- Parents may obtain non-directory information (grades, GPA, etc.) at the discretion of the institution **AND** after it has been determined that their child is legally their dependent as determined by the internal revenue code.
- Parents may obtain non-directory information by obtaining a signed consent from their child.
- Parents may obtain education records in a health or safety emergency.

OTHER DISCLOSURE EXCEPTIONS

Institutions **may** disclose education records *without written consent* of students to the following:

- Authorized representatives of the following for audit, evaluation, or enforcement of federal and state supported programs: Comptroller General of the United States; Secretary, U.S. Department of Education; U.S. Attorney General (law enforcement only); State educational authorities
- Officials of other institutions in which the student seeks to enroll, on condition that the issuing institution makes a reasonable attempt to inform the student of the disclosure
- Organizations conducting studies to develop validate, and administer predictive tests, to administer student aid programs, or to improve instruction

OTHER DISCLOSURE EXCEPTIONS

Institutions **may** disclose education records without written consent of students to the following:

- Persons or organizations providing to the student financial aid, or determining financial aid decisions.
- A court if the student has initiated legal action against the institution or the institution has initiated legal action against the student.
- Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution first make a reasonable attempt to notify the student. **Exception:** If the subpoena is issued from a federal grand jury, or for a law enforcement purpose, and orders the institution not to notify the student.

OTHER DISCLOSURE EXCEPTIONS

Institutions **may** disclose education records without written consent of students to the following:

- Persons in an emergency, if it is determined that there is a rational basis to believe there is a significant threat to a student or other persons.
- Institutions **may** release without written consent information on any student found by a campus disciplinary body to have committed a crime of violence or non-violent sexual offense. The information that may be released is limited to the following: name, violation committed, sanction imposed by the institution.

LETTERS OF RECOMMENDATION

- Statements made from personal observation or knowledge do not require signed release. Specific information concerning academic performance (e.g., grades, ranking in class) requires release.
- If personally identifiable information is acquired from a student's education record, the writer is required to obtain signed release.
- As part of the education record, a student has the right to access letters of recommendation unless the student waives the right in writing.

EMAIL TIPS

- Don't...
 - Send restricted information via email
 - Send University ID in the subject line of an email
 - Link name and University ID (consider sending two emails or using last 4 digits for verification)
- Do...
 - Take appropriate action to secure sensitive data received through email from parties not adhering to this practice

KEY CONCEPTS REVISITED

- Compliance Requirements
- What is an Education Record?
- Disclosure of Education Records
- Exceptions to the Disclosure of Education Records
 - School Official and Legitimate Educational Interest
 - Directory Information
 - Disclosure to the Parent
 - Other Exceptions
- Letters of Recommendation
- Email Tips

SCENARIO 1

- Professor Smith an adjunct faculty member at CSUDH is having difficulties helping a student pass his second term chemistry course. Professor Smith goes to the department chair and requests to see the grades for this student in their introductory chemistry class taken last term. Should the department chair release the grade to Professor Smith?

SCENARIO 1 CONTINUED

- The answer is “No”
- Faculty generally have no access to student records beyond their class and grade rosters. Faculty do not have access to student academic records unless their normal job duties specifically require access.
- Professor Smith could ask the student to review work or even to provide the grade from the prior term.

SCENARIO 2

- Dr. Jones is approached by a former student to complete a letter of recommendation and accompanying form to support a scholarship opportunity. The form asks Dr. Jones to provide detailed information about the student's performance in their courses including grades. Can the Dr. Jones write the letter and complete the form?

SCENARIO 2 CONTINUED

- Dr. Jones may present information on personal observations of the student. However, course grades are protected under FERPA. Unless the student provides written documentation that authorizes the release course grades, Dr. Jones cannot release this information.

SCENARIO 3

- Dr. Garcia is approached by a parent of one of her students. The parent is concerned about their son who has not contacted them in over 3 months and wants to know if their son is attending any of Dr. Garcia's courses. Can Dr. Garcia provide this information to the parent?

SCENARIO 3 CONTINUED

- No, Dr. Garcia should not. Class schedule information is protected by FERPA.
- Dr. Garcia could contact the student and tell them that their parent is trying to get in contact with them.

FERPA Information Sources

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington, D.C. 20202-5920
202-260-3887 (phone)
202-260-9001 (fax)

ferpa@ed.gov

<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Or

ferpa@aacrao.org