

FERPA Reference Guide

WHAT IS FERPA?

- The Family Educational Rights and Privacy Act of 1974 is a Federal Law designed to:
 - Protect the privacy of education records,
 - Establish the right of students to inspect and review their education records, and
 - Provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

WHAT RECORDS ARE PROTECTED UNDER FERPA?

- Educational Records that are maintained by an institution that contains personally identifiable information that is not in an excluded category
 - An educational record is any record maintained by an institution that is directly related to a student or students.
 - Personally identifiable information refers to data within a record that would make a student's identity known with a reasonable certainty.
 - Some excluded categories are: sole possession notes, law enforcement records, employment records, medical and treatment records, alumni records
 - These records can contain items that are protected by FERPA such as a transcript or other educational records.
 - Sole Possession notes are records created by one person as an individual observation or recollection. These records are kept in the possession of the maker and may only be shared with a temporary substitute. E-Mail is never considered a sole possession note.

WHAT DO WE NEED TO DO TO BE IN COMPLIANCE?

- Provide annual notification to students of their FERPA Rights
- Provide students access to their education records
- Allow students to request amendment to their education records
- Allow students to request that the institution not disclose directory information about them.

WHAT IS DIRECTORY INFORMATION?

- Directory information is information that if provided is not normally considered a violation of person's privacy.
- Students must be informed of the items that are considered directory information. At CSUDH these items are:
 - 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
- Students must be notified of the items of 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.
- 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.

WHO IS CONSIDERED A SCHOOL OFFICIAL?

- 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. This includes:
 - A person employed by the college in an administrative, supervisory, academic, research, or support staff position (including law enforcement and health staff personnel),
 - A person elected to the Board of Trustees,
 - A person or a company employed by or under contract to the college to perform a specific task,

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- such as, an agent, an attorney, an auditor, or an outsourced service provider.
- A student representative on an official committee, such as a disciplinary or grievance committee, or
- A student assisting another school official in performing his or her tasks.
- A school official within the institution with a legitimate educational interest may obtain information from education records without obtaining prior written consent.

WHAT CONSTITUTES A LEGITIMATE EDUCATIONAL INTEREST?

- 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.

WHEN CAN INFORMATION FROM EDUCATIONAL RECORDS BE DISCLOSED?

- Institutions must disclose educational records to students who request to see information from their own records.
- To disclose information from educational records CSUDH can obtain a written consent from the student. This written consent is a part of the educational record and must be maintained as long as the educational records to which they refer are maintained by the institution. This consent must:
 - Specify the records to be released,
 - State the purpose of the disclosure,
 - Identify the party or parties to whom the disclosure may be made, and
 - Be signed and dated by the student.
- Some exceptions that allow institutions may disclose educational records with written consent are as follows:
 - Directory information provided that a current student has not requested that directory information not be released,
 - 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,

Persons or organizations providing to the student financial aid, or determining financial aid decisions

- Organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction,
- 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, or
- 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

WHEN CAN EDUCATIONAL RECORDS BE RELEASED TO A PARENT?

- Information from educational records may be released to a parent in the following circumstances:
 - The parent obtains the student's written consent,
 - The parent establishes the student's dependency as defined by Internal Revenue Code,
 - The parent may exercising the disclosure option on a student 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, or
 - In a health or safety emergency.

WHERE CAN I GET MORE INFORMATION REGARDING FERPA?

- CSUDH Admissions & Records Office, or visit the US Department of Education Family Compliance Office at <http://www2.ed.gov/policy/gen/guid/fpco/index.html>