



FERPA:

WHEN TO ASK -WHEN TO TELL

Presented by: Daniel Sanidad
Rita Grogan

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WHAT IS FERPA?

☞ FERPA is an acronym for

☞ Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.



FERPA – GENERAL GUIDELINES

- ☞ Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
- ☞ School officials with legitimate educational interest;
- ☞ Other schools to which a student is transferring;
- ☞ Specified officials for audit or evaluation purposes;
- ☞ Appropriate parties in connection with financial aid to a student;
- ☞ Organizations conducting certain studies for or on behalf of the school;
- ☞ Accrediting organizations;
- ☞ To comply with a judicial order or lawfully issued subpoena;
- ☞ Appropriate officials in cases of health and safety emergencies; and
- ☞ State and local authorities, within a juvenile justice system, pursuant to specific State law.



FERPA: DIRECTORY INFORMATION

- ☞ Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.
- ☞ Schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.
- ☞ Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.



FERPA: WVM DISTRICT BOARD POLICIES

☞ Board Policy: Use the following link –

... <http://wvm.edu/documents.aspx?fid=26324&doc=26745&year=0&excludeyear=1>

☞ 5.5 Student Records

... 5.5.1 Access to Student Records

... 5.5.2 Release of “Directory Information”

... 5.5.3 Notification of Legal Rights Regarding Access to Records

... 5.5.4 Records of Parties Requesting or Receiving Student Information
5.5.5 Access to Student Record Regulations and Policies

... 5.5.6 Fees for Copies of Records



WHAT DO WE CONSIDER “DIRECTORY INFORMATION?”

- ✧ Student's name
- ✧ City of Residence
- ✧ Major field of study
- ✧ Class schedule
- ✧ Participation in officially recognized activities and sports
- ✧ Weight and height of members of athletic teams
- ✧ Dates of attendance
- ✧ Degrees and awards received
- ✧ The most recent previous public or private school attended by the student



WHOSE RECORDS ARE PROTECTED UNDER FERPA?

- ☞ FERPA protects both *current* and *former* students' records.
- ☞ Any record created during a student's time at Mission or West Valley is considered their education record and is FERPA protected.
- ☞ FERPA rights generally begin when the student's application for admission is accepted. However, each institution has the right to define this.



WHAT IS AN “EDUCATION RECORD?”

☞ Education Records are defined as ALL records that are:

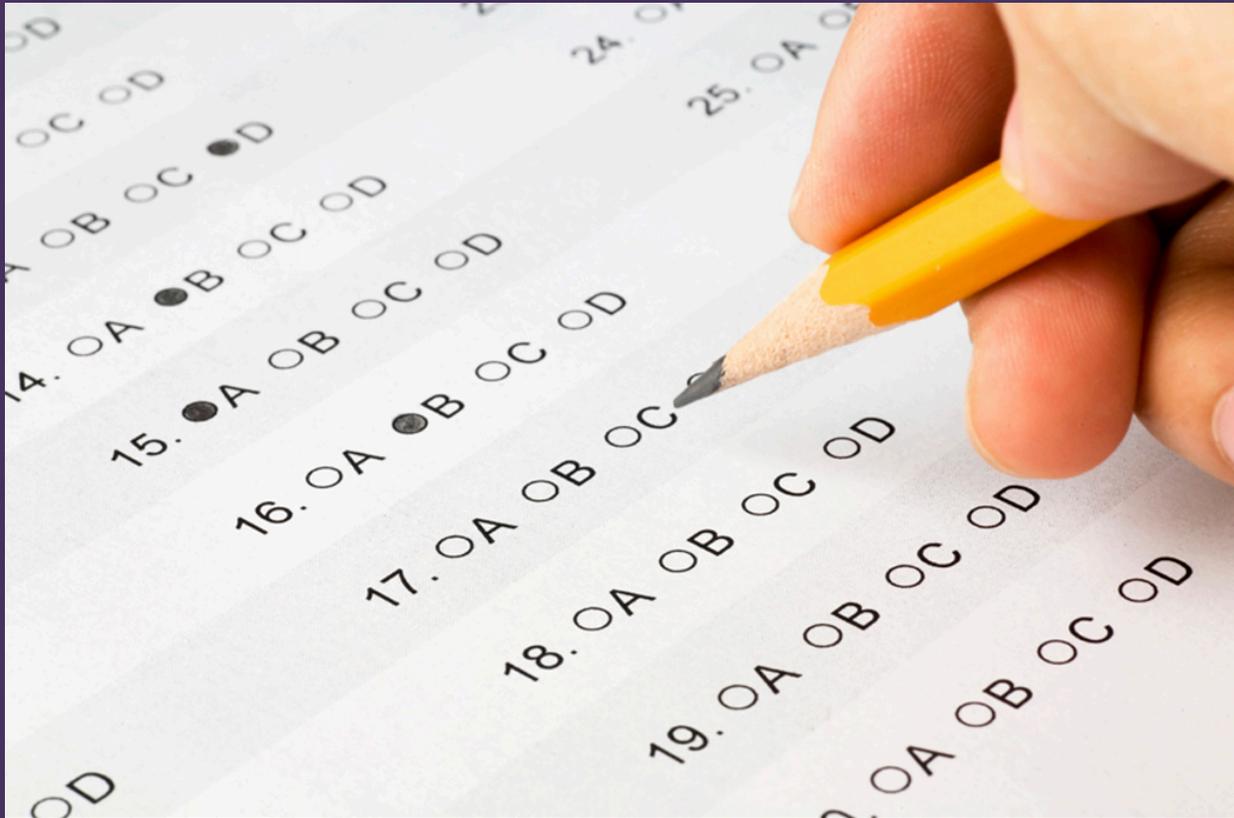
... Related directly to a student;

... Maintained by the institution or a staff member, and

... Kept in ANY format.



A SHORT QUIZ – COURTESY OF UNIVERSITY OF SOUTHERN CALIFORNIA



QUESTION 1

☞ The items that comprise directory information under FERPA are identical at all other higher education institutions.

... True or False?

... FALSE – each institution can select those FERPA-recognized types of information that is appropriate for their school



QUESTION 2

☞ At the college level, do parents have the same rights of access and review as their child (the student)?

... Answer: No.

- ☞ When a student reaches age 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parents to the student.
- ☞ The students may choose to share their educational records but without an authorization from the student, the parents do not have a FERPA right to review these records.



QUESTION 3

- ☞ We must permit a student to review his or her records within how many days from the day the student requests the review:
- ... 10 days?
 - ... 20 days?
 - ... 25 days?
 - ... 30 days?
 - ... None of the above?

Answer: No more than 45 days from the day the student requests the review



QUESTION 4

☞ Faculty have a right to inspect education records of any student attending Mission College without giving a reason:

True

False

Faculty members are normally considered school officials. However, the faculty member must demonstrate “a legitimate educational interest” in his or her request to access student records, e.g., advising students, retention study, etc. Faculty do not have access to student academic records unless their normal job duties specifically require access.



SOME SAMPLE SCENARIOS



SCENARIO 1

☞ You receive a phone call asking you to verify a student's attendance. You check and discover that the student has restricted the release of their directory information (opted out). What is the correct response?

... The student has asked that no information be released.

... We have no information available for a student with that name.



SCENARIO 2

☞ One of the faculty reports that a particular student in class has asserted that one of the student's FERPA rights is the “right to remain anonymous in class.” This student has opted out of directory information release.

... Does the instructor need to comply?



ANSWER:

☒ No.

☒ This is a new regulation that clarifies that a right to opt out of directory information does not include a right to remain anonymous in class and may NOT be used to impede routine classroom communications and interactions. This applies whether it is an in-person class or is a class delivered on-line through electronic communications.

☒ Section 99.37(c)



SCENARIO #3

☞ A person arrives in your office claiming to be the father of a student. The father says that a recent phone conversation with his estranged son leads him to believe he is suicidal. The son has restricted the release of his directory information. The father demands to know his son's current address. Can you provide this information?

... a.No

... b.Yes

... c.Maybe



SCENARIO 3 – CON'T

- ☞ Yes, if you have a “rational basis” for your decision to share information and you have taken into account the “totality of the circumstances.” An institution may disclose personally identifiable information from an education record “to appropriate parties, including parents of an eligible student, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.”



SCENARIO 4

☞ Student representatives on university committees (e.g., honors, curriculum, etc.) may have the right to see other students' education records during the deliberations of that committee:

... a.True

... b.False

The students are conducting official business of the university, at the university's request. The students are considered "school officials" with a "legitimate educational interest" and are therefore permitted to have access to specific student records.



SCENARIO 5

☞ Under the FERPA definition, does attendance require the student's physical presence?

... a.Yes

... b.No

... c.Maybe

No. In addition to physical presence in the classroom, attendance can include correspondence and other methods such as internet, satellite, video conference as well as other telecommunication technologies.



SCENARIO 5 – CON'T.

☞ An institution must release to anyone, upon request, any information identified as directory information by the institution:

... A. True

... B. False

An institution is not obligated to release directory information to anyone. FERPA only states that an institution **MAY** release information, but there is no obligation to do so. When in doubt, do not release information.



SCENARIO 6

☞ Is email considered a student education record?

... A. No

... B. Yes

... C. Maybe

It can be. If the email contains non-directory information that is personally identifiable, e.g., grades, test scores, disciplinary action, etc., it probably will be considered part of the student's education record.



QUESTIONS?

