



DONNELLY COLLEGE

EST. 1949

FERPA: Family Educational Rights & Privacy Act

What is FERPA and to whom does it apply?

- Federal law enacted in 1974 called “Family Educational Rights and Privacy Act”
- Purpose is to protect the privacy rights of student educational records and to ensure the accuracy of those records
- Applies to currently enrolled or formerly enrolled students



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What are education records?

- Most records from which a student can be personally identified AND maintained by the institution regardless of its form
- Examples include handwritten, print, database, disk, email, files, graded materials, class lists, student schedules, and financial aid records
- This is true for all privacy laws



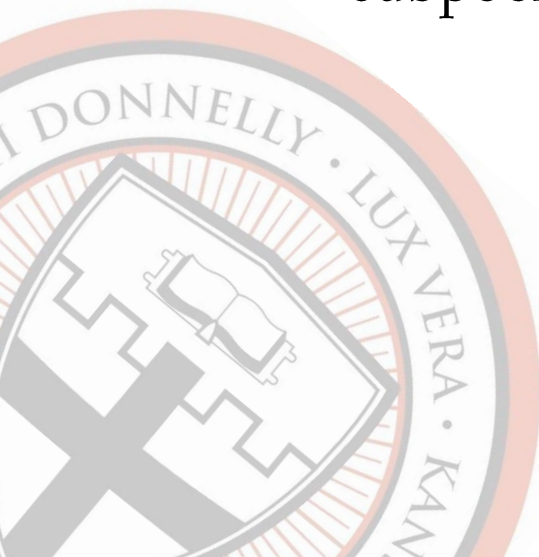
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Who may have access to education records?

- The student always has access (*exceptions)
- Any outside party that has the student's written consent
- School official as defined by the institution with a legitimate educational interest
- A person in response to a lawfully issued subpoena or court order

*The exceptions are:

1. Financial information submitted by parent
2. Confidential letters and statements of recommendation in which the student has waived their right to inspect and review.



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Basic Rights of Students

1. Inspect and review their records
2. Amend an incorrect record
3. Signed consent to disclosure (*with exceptions)
4. File a complaint with the Dept. of Education
5. Obtain a copy of our policy

*The exceptions are:

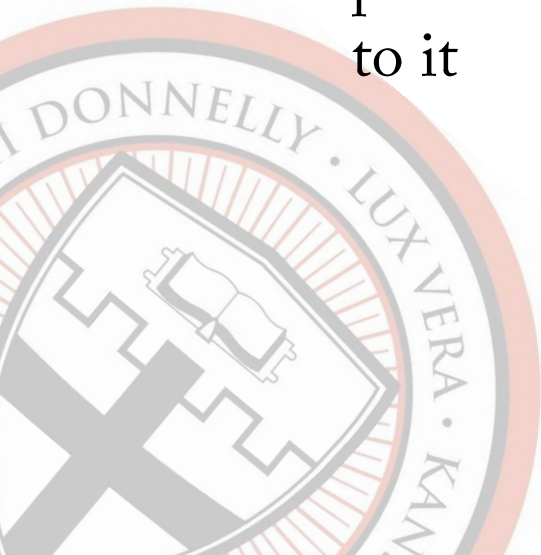
1. Financial information submitted by parent
2. Legal Authorities (with search warrant or subpoena)
3. In the event of a health or safety emergency



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What is legitimate educational interest?

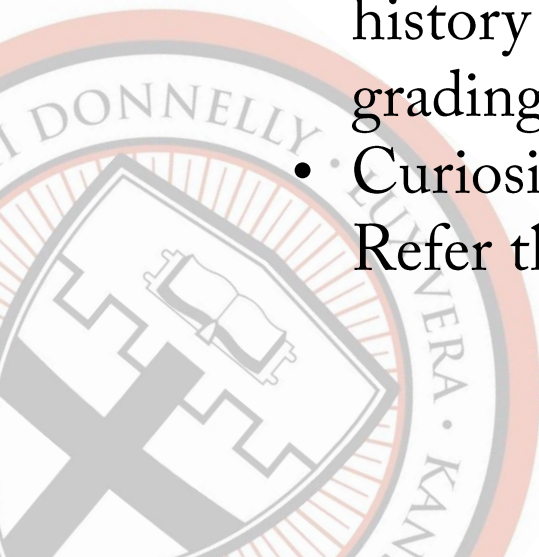
- Often referred to as “need to know”
- Interest in reviewing student education records for the purpose of performing assigned institutional research, educational, or administrative function
- Guiding principle – If you need the data to perform your job duties you should have access to it



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What is NOT legitimate educational interest?

- Monetary support. This includes scholarships, donors, or making payments on the students behalf.
 - Some scholarships can require students sign a consent form giving them access as part of the application process
- Grading – grades in other courses, test scores, or history of courses taken are not to be used in grading decisions in class
- Curiosity – even out of concern for the student. Refer the concern to the appropriate party.



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Using private student information

- In most instances written permission is needed from the student to release the information
- Letters of recommendation/being a reference require written permission
- Consent form to release information is available online under “Registrar”. These must be renewed every year
- Even with a consent on file, refer requests to the Registrar’s office to verify which information can be released and to whom
- A student may request to block their directory information by requesting so in writing to the Registrar’s office

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What is directory information at this institution?

- Name
- Address
- Telephone Number
- Date of Birth
- Place of Birth
- Dates of Attendance*
- Most recent previous education attended
- Major field of study
- Participation in officially recognized activities
- Academic awards & honors
- Degree(s) received
- Photographs and student likeness

*Dates of attendance refers to the start and end date of the enrolled term. This does not refer to daily or summary attendance.



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What cannot be directory information?

- Grades
- GPA
- Race
- Gender
- Social Security Number
- Student ID Number
- Country of Citizenship
- Religion



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What about High School Students?

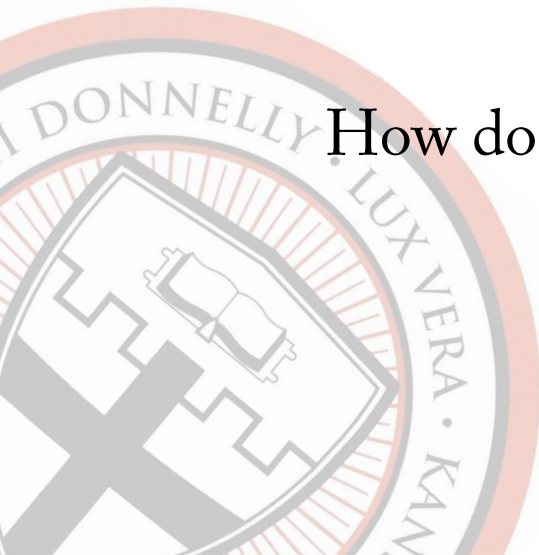
Types of Dual Credit

- Gateway to College
- On Campus Dual Credit
- Off Campus Dual Credit (CCN)

What does the law say?

Students have rights under FERPA if they are:
18 years of age OR enrolled in higher education

How does FERPA affect these differently?



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What about parents?

- Parents are considered a “third party” and do not have a right to student information
- May release non-suppressed public information to them
- Can speak about general public information but not specifics of a particular student
- Power of Attorney – does have its limitations

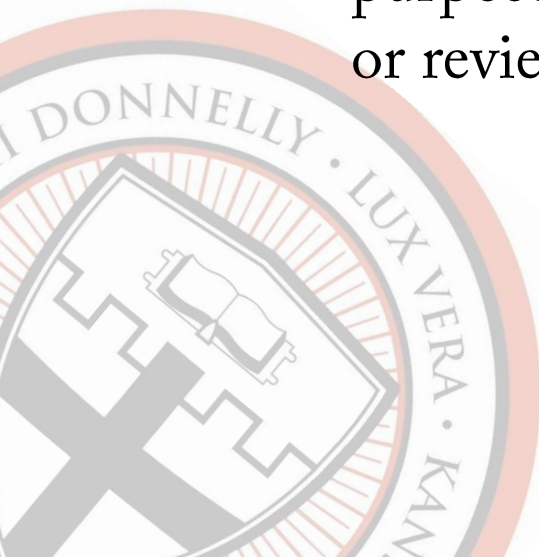


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What about recommendation letters?

- Students have a right to inspect letters written about them or waive that right*
- Cannot contain courses taken, grade received in any course, class rank or GPA
- Student must state specifically which of those pieces of information can be included for what purpose if they also waive their right to inspect or review the letter *

*Waiving the right to inspect must also be done in writing, regardless of the circumstances



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Guiding principles regarding private student information

- School official shall not disclose personally identifiable information about a student or permit inspection of those records without the student's written consent
- You have a legal responsibility to protect the confidentiality of student records
- Only access what you need to know to do your job
- Curiosity & Concern ≠ need to know



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What to do?

- If presented with a request from a third party or a parent, refer them to the Registrar's office to evaluate the specific circumstance
- Information releases are available in the Registrar's office or on the website

