

# Understanding FERPA

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# Purpose

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The purpose of this presentation is to provide an introductory level understanding of FERPA. It is my hope that at the conclusion of this presentation that you have a general understanding of the key items, feel comfortable handling sensitive information, and are aware of some resources available if necessary.

You can always call.

# FERPA Loose Agenda

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- FERPA Basics
- Key Definitions
- Key Terms
- Questions and Scenarios
- Live your life as a FERPA expert

# Basics of FERPA: FERPA SPEAK

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- FERPA exists to provide students with
  - Access to their Records, with certain exceptions
  - Control over access, with exceptions
  - Right to challenge the contents of the record

# FERPA Speak: In other words

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- Students get to see what is in their record
  - Right to inspect and review educational records
- Students decide how the information is shared and with whom
  - Right to control disclosure of information from educational records
- Students can dispute what is in the record
  - Right to seek amendment to incorrect educational records

# What is FERPA?

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- A. The Federal Education Records Protection Act
- B. The Family Educational Records Privacy Act
- C. The Family Educational Rights and Privacy Act
- D. The Federal Educational Records and Protection Act

# Who is Responsible for FERPA?

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- Everyone and the Registrar
  - Anyone with access to student records
    - Financial Aid
    - Business Office
    - University Counsel
    - Athletics
    - Student Affairs
    - Faculty

# Who Has FERPA Rights

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- All students attending an institution of higher education receiving federal Title IV funds, regardless of age
- All students for whom records are maintained, regardless of method
- Parents lose rights when student is in attendance, regardless of age
- Students retain all FERPA rights until deceased



# Should you share that information?

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Ask yourself the “W” questions:

- Why am I being asked to release student data?
- Who is asking?
- What student release is needed?
- What determines that this is a student record?
- What is the record being requested?
- Where is this student record going?
- Where do I need to record that it was released?

# Every Year: Annual Notification Requirement

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- Right and method to inspect and review
- Right and method to seek amendment
- Right to consent
  - Other than 99.31 exceptions
- Right to file a complaint with the Department of Education
- Definition of legitimate educational interest/school officials
- Directory information
  - Defined by institution

# Student Request to Release

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- Should include:
  - Record(s) to be released
  - To Whom
  - Purpose
- Can be:
  - Submitted to the institution
  - Shared with a third party
  - Electronic signature

# Just Don't Do It and Call Me

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- Do not release the following information:
  - Social Security Number
  - Citizenship
  - Gender
  - Ethnicity
  - Religious preference
  - Grades
  - GPA
  - Daily class schedule
- Except to the student or anyone with a “Legitimate Educational Interest”

# More FERPA Speak: Terms

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- Student
  - Anyone attending your institution, of any age
- Student Record
  - Any information or data recorded in any medium
- Educational Record
  - Any information directly related to a student, maintained by an educational agency or institution
- Directory Information
  - Student info that would not be harmful if disclosed
- School Official
  - Member of an institution acting in a student's educational interest, limits on "need to know"

# What is a Student?

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- In attendance
  - Institutionally defined
- All students for whom records are maintained, regardless of method
- Rights begin when in attendance regardless of age
  - Parents/Guardians lose right at 18 or when attending
- Acquire all FERPA rights when a student at Higher ed Institution.

# What Can I Share: Directory Information

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- Name and Current Enrollment
- Address, Telephone Number, and Email Address
  - Not residence hall address
- Date and place of birth, dates of attendance, class standing, previous institution(s) attended, major field of study, awards, honors (including Dean's List), degree(s) conferred (including dates), full-time or part-time status.
- Past and present participation in officially recognized sports and activities, physical factors (height, weight of athletes) and photograph.

# Confidentiality

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- Students may request to **not** disclose directory information by completed a Request to Restrict Directory Information form with the Registrar's Office
- How do you check for a request for confidentiality?
  - If you can see the Person Information screen, there will be a red box that says **“Do Not Release Records”**
- If you don't know how to check for this you should not release directory information
- You do not have to release directory information. The rule for sharing directory information says you can, but that does not mean you have to or should.



# Is Everything an Educational Record?

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- The following are not educational records:
  - Law enforcement records\*
  - Treatment/medical records\*
  - Alumni records – information collected after departure, education records are still covered under FERPA
  - Employment records (unless job is for a student only)
  - Sole possession records\*
- \* Once these records are shared with School Officials they become educational records

# Who Can We Release Records to?

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- To school officials who have a legitimate educational interest in the records – We will talk about that in a few
  - To officials of another school, upon request, in which a student seeks or intends to enroll.
  - To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
  - In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
  - If required by a state law requiring disclosure that was adopted before November 19, 1974.
  - To organizations conducting certain studies for or on behalf of the university.
  - To accrediting organizations to carry out their functions.
  - To parents who claim the student as a dependent for income tax purposes.
  - To comply with a judicial order or a lawfully issued subpoena.
  - To appropriate parties in a health or safety emergency.
  - To an alleged victim of any crime of violence or sexual harassment offense or the results of any institutional disciplinary proceeding against the alleged perpetrator with respect to that crime or offense

# Who are School Officials?

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- **A school official is:**
- A person employed by the university in an administrative, supervisory, academic, research, or staff position;
- A person elected to the Board of Trustees;
- A person employed by or under contract to the university to perform a special task, such as legal counsel or an auditor;
- A student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her task.

# What is Legitimate Educational Interest?

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- **A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their task.**

## **Examples include:**

- Performing a task that is specific in their job description or by a contract agreement; or
- Performing a task related to a student's education; or
- Performing a task related to the discipline of a student; or
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

# When in Doubt...

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- Don't give it out
  - Is the request about an Educational Record?
  - Student?
  - Is a signature required?
  - Must vs. may: do I have to release?
  - Is the requestor a school official, do they provide a service to the institution?
  - Need to know: Is the requested information job-related?
  - Is this directory information? Confidentiality Request?
  - Institutional policies and procedures. You may have access to information but it may not be your within the scope of your department or job to release it.

# Questions?

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If you have any questions about the FERPA policy and how it relates to your job you can contact the Registrar's Office.

- By phone 253.879.3217
- By email [registar@pugetsound.edu](mailto:registar@pugetsound.edu)
- The office is located in Jones Hall, room 013