FERPA Training Seminar

THE MYSTERY OF FERPA

CFCC Faculty/Staff In Service 2004

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Agenda

• FERPA Information

• Case Studies

• Quiz

• Questions and Discussion
What is FERPA?

Who has rights?

What are these rights?

CFCC Policies

What are educational records?

What’s required for colleges?

Who has to comply?

Exceptions?
FERPA is NOT:

• A disease that only Registrar Office workers get.

• A law that only pertains to public institutions.

• Only applicable to offices that handle grades.
FERPA is...

• The Family Educational Rights and Privacy Act also known as the Buckley Amendment.
• Passed in 1974.
• Applies to all institutions that receive federal funding.
• Protects the privacy of a student’s educational records.
Why Should I Care About FERPA?

- Maintaining confidentiality of student records is everyone’s responsibility.
- The Federal Government requires us to do so – IT’S THE LAW!
- Because it is in the best interest to protect our student population.
Implications of FERPA

• The Good News
  - FERPA legislation has NO power to take punitive actions against any individual.

• The Bad News
  - FERPA legislation does have the power to evoke Federal funds to the college for proven FERPA violations.
Who is Protected Under FERPA?

- Currently enrolled or formerly enrolled students.
  - Regardless of age
  - Regardless of parental dependency

- Does not apply to deceased students or persons who have applied but not attended.
When Do FERPA Rights Begin for a Student?

- When the student is “in attendance” as defined by the institution.
- For CFCC that means when the student has matriculated (officially registered) for the first time.
What is an Educational Record?

- An educational record is an official and confidential document.

- As defined by FERPA, all records which are related to a student and are maintained by CFCC are educational records.

  - Educational records can be in any media: handwritten, print, type, film, electronic, etc.
What Is NOT an Educational Record?

- **Personal Notes** – Sole possession records or private notes.
- **Law Enforcement or Campus Security Records.**
- **Employment Records** – Records relating to individuals who are employed by the institution.
What Else Is **NOT** an Educational Record?

- **Health Records** – Records relating to treatment by physician, psychiatrist, psychologist, etc.

- **Records solely obtained after that person is no longer a student.**
Test for an Educational Record

Is the record kept because of the person’s status as a student?

**AND**

Does anyone besides the creator have access?

**IF BOTH ANSWERS ARE “YES”, THE RECORD IS AN EDUCATIONAL RECORD**
What Information Might Need to Be Handled in a Secure Way?

- Registration forms
- Transcripts
- Student information displayed on your computer screen
- Grades
- Student schedules
- Class assignments
- Class Rosters
- **Any** paper with the student’s ID
A Student Has Rights Protected Under FERPA

FERPA grants specific rights to adult students concerning their educational records.

• The right to inspect and review their own education records.
• The right to seek to have those records amended.
Student Rights Under FERPA

• The right to consent to the disclosure of educational records.

• The right to limit disclosure of educational records.

• The right to file a complaint with the FERPA Office in Washington, DC.
Student’s Rights cont.

• Students have the right to expect that their education records are kept confidential except where special provisions are made.

• Student have the right to suppress the disclosure of directory information to outside agencies.
What is “Directory Information”? It is information that can be released *without* the student’s written consent.
Directory Information at CFCC includes:

- Name
- Dates of Attendance
- Classification (FT, PT)
- Previous institutions attended
- Major field of Study

*Students must be notified annually of what constitutes directory information.*
Student’s Directory Information Rights

• Students may request that directory information NOT be released.

• Requests must be made in writing to the Registrar’s Office within the first two weeks of each term.
What Information Can Be Released Without Student Consent?

- **Directory Information.**
- Information that the student has given written consent to release.
- Information needed by CFCC employees who have a *legitimate* educational interest.
- Information needed by certain government agencies.
Who Can Look at Educational Records?

• Officials or faculty of the college who have a **legitimate educational interest**.
• Officials of other schools where the student seeks to enroll.
• Certain federal and state educational authorities.
What Is a “Legitimate Educational Interest”?

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his/her position description or contract agreement.
- Performing a task related to a student’s education.
- Performing a task related to the discipline of a student.
Who are School Officials?

- Faculty and Staff.
- People with whom the College has contracted services.
- Members of the Board of Trustees.
Other Situations When a Student's Consent is NOT Required

- To organizations conducting studies for or on behalf of CFCC.
- To accrediting agencies carrying out their accreditation function.
- Results of disciplinary hearing to an alleged victim of a crime of violence.
- To parents or legal guardians when their children under age 21 have violated CFCC alcohol or drug policies.
Others with a “Legitimate Educational Interest”

- Financial Aid personnel in conjunction with an application for financial assistance.
- Parents or legal guardians of dependent students (written record of grades only).
- Persons presenting an official judicial order or subpoena.
- Appropriate individuals in connection with an emergency if knowledge is necessary to protect the health or safety of the student or others.
... and

- An outside contractor who is acting for CFCC and performing a service that the college would otherwise have to complete.
- Individuals requesting information relating to a deceased student.
- Under the Solomon Amendment – military recruiters.
Remember ...

When in doubt, don’t give it out!

The Office of the Registrar is happy to assist you with any FERPA related questions.
Parents’ Rights

• Parents may obtain directory information.
• Parents may obtain non-directory information by obtaining a signed consent from their child.
TAKE NOTE:

- Access to Student information via CFCC or other computer software does not authorize unrestricted use of that information.
- Curiosity is not a valid reason to view student information.
- Records should only be used in the context of official business.
Record Disposal

Records containing Social Security Numbers or grades should be shredded, not just thrown in the trash.
FERPA Best Practices
FERPA Best Practices

**DO** refer requests for information from the educational record of a student to the proper educational record custodian. When in doubt about the proper custodian, contact the Office of the Registrar.
FERPA Best Practices

DO keep only those individual student records necessary for the fulfillment of your job responsibilities.
FERPA Best Practices

**DO** keep any personal professional records relating to individual students separate from their educational records.

*Remember that a personal record must NOT be accessible to anyone besides the creator, except a substitute.*
FERPA Best Practices

**DO** change information in an educational record when the student is able to provide valid documentation that the information is inaccurate or misleading.
FERPA Best Practices

**DO NOT** display student scores or grades publicly in association with names, SSN, or other personal identifiers.

If scores or grades are posted, use some code only known to you and the individual student. In no case should the list be posted in alphabetical sequence.
FERPA Best Practices

DO NOT place papers, graded exams, any type of record with student identification on it in publicly accessible places.
FERPA Best Practices

DO NOT access or request information from the Student Information System without a legitimate educational interest and the appropriate authority to do so.
FERPA Best Practices

**DO NOT** share student educational record information with other school officials unless they have a legitimate educational interest in the same information.
FERPA Best Practices

DO NOT share student educational record information including grades or grade point averages with others outside the college without written permission from the student.
FERPA Best Practices

**DO NOT** allow students to sort through graded papers or tests in order to retrieve their own work.
FERPA Best Practices

Remember to check a student’s restriction (by contacting the Director of Enrollment Management) before you answer any questions.
FERPA Best Practices

Never circulate a class roster with student name and/or SSN as an attendance roster.
FERPA Best Practices

In general, do not release any directory information to off-campus inquiries.

Refer off-campus inquiries to the Office of the Registrar
FERPA Best Practices

Remember to close any programs on your computer that contain student information when not at your desk. It is a good practice to have a password on your screen saver so others can not access your computer when it is on.
FERPA Best Practices

When in doubt, err on the side of caution and contact the Office of the Registrar for guidance.
FERPA Quiz
FERPA Quiz

Officer O’Ferpa

Regina the Registrar
FERPA Quiz

Professor Smith is asked by Sally to write a letter of recommendation for her to a prospective employer. Professor Smith includes in the letter Sally’s GPA and the classes that she was enrolled in that he instructed. Has Professor Smith violated FERPA?

FERPA VIOLATION!!!!

Professor Smith released non-directory information to a third-party without written permission from the individual to do so.
FERPA Quiz

Professor Smith comes to the Office of the Registrar and would like to know how one of his students in his Chemistry class is doing in Anatomy. Should the office release this information to him?

NO!!!!!!!!!!!!!!!!!!!!

Professor Smith does not have a legitimate educational interest in how any of his students are doing in another class. How a student is doing in other coursework has no bearing on his professional responsibilities.
FERPA Quiz

You receive a phone call from the local police department indicating that they are trying to determine whether a particular student was in attendance on a specific day. Are you allowed to give them this information?

**NO!!!!!!!!!!**

Information about whether or not a student was enrolled in a particular semester is directory information, and can be obtained through the Office of the Registrar. If the police require more information, a subpoena may be required. Additionally, FERPA requires notification of the student, unless it is specifically stated on the subpoena, that the student must not be notified.
FERPA Quiz

True or False: Authorization to the Student Records Information System grants you unlimited access to student records.

FALSE!!!!!!!!!!

Authorization only grants you access to records that you need to complete your professional responsibilities. Just because you might be able to look at someone’s record, does not mean that you should.
FERPA Quiz

You get a frantic phone call from an individual who says that he is a student's father and must get in touch with her immediately because of a family emergency. Can you tell him when and where her next class is today?

**NO!!!!!!!!!!!!**

For the safety of the student you cannot tell another person where a student is at any time. If the individual needs to get in contact with the student right away, refer them to the Dean of Students Office and they will contact the student.
FERPA Quiz

Lawyer Jones calls you wanting to know some information about a student for a case that he is working. Should you answer his questions?

NO!!!!!!!!!!!!!!!!!!!!

It is always a good practice to refer lawyers or any issues relating to legal matters to the institutions legal counsel. If legal counsel requires additional assistance from you, they will be in touch with you.
FERPA Quiz

A student needs the local telephone number of another student in their microbiology class. Can you give the number?

NO!!!!!!!!

Local telephone numbers are NOT directory information at CFCC. The registrar’s office may contact the student and ask them to contact the classmate.
Case Study 1

An officer from the police department in a nearby town calls. The officer states that a person who claims to be a student at your college has been arrested. You know that the police department has a policy of releasing students for minor infractions (which is what is involved in this case) if it can be verified that the person is a student. You check your records and find that the person is currently enrolled. There is, however, a signed statement from the student that he wants no information released.

WHAT DO YOU DO????
Case Study 1 Answer

• You reply:
  “I have no information that I can release on that individual.”

• You must honor the student’s FERPA right of non-disclosure.

  YES, this actually happened!
Case Study 2

A college has invested in an e-mail communication system that provides each student with an e-mail address. One faculty member has suggested that she wants to provide e-mail addresses of all the students in her class to every other student so they can communicate among themselves.
As the registrar, you know that e-mail addresses are NOT identified as “directory information.”

What would need to occur for the professor to share e-mail addresses among her students?

WHAT DO YOU DO???
Case Study 2 Answer

• Obtain written permission from each student

• Identify e-mail address’ as directory information. Before doing so, the college must notify students of that intent. Students would then have a given period of time to request that their e-mail address not be disclosed.
You have been FERPA-ized!
Questions