Family Educational Rights and Privacy Act (FERPA)

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Much of the content in this following presentation was obtained directly from the 2010 FERPA Guide.

FERPA

- Family Educational Rights and Privacy Act
- Also known as the Buckley Amendment
- Primary rights of students...
  - Inspect and review education records
  - Seek to amend education records
  - Have some control over the disclosure of information from education records
To whom does the Act apply?

- FERPA applies to each educational agency and institution that receives funds under any program administered by the Secretary of Education.
- “Educational institutions” are schools or other entities that provide educational services and are attended by students.
- “Education agencies” are entities that are authorized to direct and control public elementary or secondary, or postsecondary institutions.
Education Records

- “Education records” are those records which...
  - contain information directly related to a student; and
  - are maintained by an educational agency or institution or by a party acting for the agency or institution.
    - Maintained in any way, including, but not limited to...handwriting, video or audio tape, computer media, film, print and microfilm/microfiche.
Exceptions

What is NOT an “Education Record”?  
- Sole possession records;  
- Records created and maintained by a law enforcement unit for law enforcement purposes;  
- Employment records (unless contingent on attendance);  
- Medical records made and maintained in the course of treatment and disclosed only to those individuals providing treatment;  
- Records that only contain information about a student after he or she is no longer a student at that institution.
Directory Information

- Information not generally considered harmful or an invasion of privacy if disclosed.
- An institution may disclose directory information if it has given notice to students in attendance of:
  - What items the institution has designated as directory information.
  - A student’s right to refuse to let the institution designate any or all of the information as directory information.
Disclosure of Student Records / Information

- Education records and personally identifiable information from those records may not be disclosed (with limited exception) without the student’s written consent.

- Directory Information may be disclosed without student consent, except where such information has been restricted.
Exceptions to Consent

• To school officials with legitimate educational interests (Need-to-know).
• To schools in which a student seeks or intends to enroll.
• To Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs.
• In connection with financial aid.
• To organizations conducting studies on behalf of educational institutions.
• To accrediting organizations.
• To parents of a dependent student.
• To comply with a judicial order or subpoena (reasonable effort to notify).
• In a health or safety emergency.
Exceptions to Consent, cont.

• Directory information.
• To the student.
• Results of a disciplinary hearing to an alleged victim of a crime of violence.
• Final results of a disciplinary hearing concerning a student who is an alleged perpetrator of a crime of violence and who is found to have committed a violation of the institution’s rules or policies.
• Disclosure to parent of student under 21 if the institution determines that the student has committed a violation of its drug or alcohol rules or policies.
• Disclosure of information received under a community notification program concerning a student who is required to register as a sex offender in the State.
Definition of “school official”:
“A school official is a person employed by the University in an administrative, supervisory, academic/research, or support staff position; contractors, consultants, volunteers and other non-employees performing institutional services and functions; and a person serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.” (AACRAO)
FERPA – FPCO

For technical assistance and advice to school officials:

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