

# 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.

American Associate of Collegiate Registrars and Admissions Officers. Rooker, L., Falkner, T. M., Hicks, D. J., Myers, B. A., Shirley, S. (2010). *2010 FERPA Guide*. Washington D.C.

# 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.

# School Official

- 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:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-8520

(202) 260-3887 (telephone)

(202) 260-9001 (fax)

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<http://www.ed.gov/policy/gen/guid/fpc/index.html>