

Understanding and Complying with FERPA

What is FERPA?

- It stands for the Family Educational Rights and Privacy Act of 1974.
- It is also known as the Buckley Amendment.

FERPA is a federal law designed to protect the privacy of education records, to establish the right of student to inspect and review their education records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

Why do we need to comply with FERPA?

- It is the law.
- Failure to comply could result in the withholding of Federal Funds, including Student Financial Aid.
- Lawsuits caused by violations cost both time and money.

This act (FERPA) is enforced by the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. The Family Policy Compliance Office is the office within the Department of Education that administers FERPA and is responsible for providing technical assistance regarding FERPA to educational institutions. FERPA is applicable to both K-12 and higher education.

FERPA rights are granted to parents until their son/daughter reaches the age of 18 OR begins attending an institution of higher education regardless of age. Once the student matriculates into an institution of higher education, the student must authorize in writing with their signature any persons to whom information may be released.

The Essence of FERPA

- College students must be permitted to inspect their own educational records. Educational records are typically housed in the Registrar's Office, but also include advising files of faculty and staff advisors.
- School officials may not disclose personally identifiable information about students nor permit inspection of their records without their written permission, unless such action is covered by certain exceptions permitted by the Act.

Who is and is not covered under FERPA?

- Students who are or have been in attendance at a postsecondary institution are covered under FERPA.
- Applicants who are denied admission or who never attend are not covered under FERPA.

When do FERPA rights begin and end for a student?

- Rights begin when the student is in attendance as defined by the institution.
- FERPA rights continue after the student leaves the institution and are only terminated upon the death of the student.

Student and former student Rights under FERPA

- To inspect their own education records.
- To request an amendment to their record and a hearing if the request for amendment is unsatisfactory.
- To file a complaint with the U.S. Department of Education if they feel their rights are/were violated.
- To expect that their education records are kept confidential except where special provisions are made.
- To suppress the disclosure of directory information.

What are Education Records?

- All records that directly relate to a student and are maintained by the institution.
- These records can be in any media form: handwritten, print, type, film, electronic, microfiche, etc. and also includes all types of social media.

What information needs to be handled in a secure way?

Any personally identifiable piece of information, other than strictly directory information. Items such as those listed below fall into this category.

- Registration forms
- Transcripts
- Student information displayed on a computer screen
- Grades
- Student schedules
- Class assignments
- Class rosters
- Any paper with the student's SSN/Student ID number or name on it.

What are NOT considered to be Education Records?

- Personal Notes kept by a faculty/staff member if kept in the sole possession of the one who made the record (should not be kept in advising files).
- Personal notes taken in conjunction with any other person are not sole possession notes.
- Sharing personal notes with another person or placing them in an area where they can be viewed by others make them **educational records**.
- Law Enforcement Unit Records that are maintained solely for law enforcement purposes and revealed only to law enforcement agencies.
- Employment Records of those whose employment is not contingent upon being a student.
- --Records created as a result of being a student (work study, graduate assistant, etc.) are education records.

- Medical Records created by a health care professional used only for the medical/health treatment of a student.
- Alumni Records created after a student has left the institution.

What information can be released?

- Directory Information
- Information that the student has given written consent to release.
- Information needed by IAIA faculty and staff who have a legitimate educational interest.
- Information needed by certain government agencies.

What is “directory information”?

- It is information that can be released without the student’s written consent.
- Each individual institution of higher education, to some extent, can determine what information is classified as directory information.

Directory Information includes:

- Name
- Address*
- Telephone number*
- Campus e-mail address
- Field of study, including majors, minors, certifications, and pre-professional areas of study
- Classification (e.g., freshman, sophomore)
- Enrollment status (full-time, part-time, or less than part-time)
- Participation in officially recognized activities and sports, including photographs of athletes
- Dates of attendance, including matriculation, drop, and withdrawal dates
- Degrees and certificates received including date awarded
- Awards received, including dean’s/president’s list, scholastic honors, departmental honors, memberships in national honor

societies, athletic letters, and institution funded scholarships (excluding those that are need-based)

- Previous educational institutions attended

*IAIA maintains a number of different address and telephone types for students. These (campus and primary/permanent) are considered directory information.

- Students have the right under the law of FERPA to request that their directory information NOT be released.

A FERPA Hold

- Prevents IAIA from releasing ANY information about a student
- IAIA cannot even acknowledge that the person is a student at IAIA
- Strongly recommend against students obtaining a FERPA hold, unless it is absolutely necessary

Who can access Student Information without obtaining written consent:

- IAIA faculty, staff, and other designated officials, who, to carry out their responsibilities, have a legitimate educational interest.

A **designated official** is a person employed by IAIA in an administrative, supervisory, academic, research, or support staff position (including law enforcement personnel and health staff). Also considered IAIA officials are members of the Board of Governors, a person or company with whom the institution has contracted (such as an attorney, auditor, or collection agent), temporary employees, student workers, and graduate assistants employed by the institution.

Legitimate educational interest is defined as the need to know in order to:

- Perform an administrative task outlined in a person's official job duties

- Perform a supervisory or instructional task directly related to the student's education
- Perform a service or benefit for the student such as health care, job placement, financial aid, etc.

Who else can access Student Information without obtaining prior written consent?

- The individual student
- Whomever the student authorizes by providing the institution with a written release (release must be written, signed, and dated and must specify the records to be disclosed and the identity of the recipient)
- Any party requesting directory information (unless the student has a Privacy or FERPA Hold)
- IAIA officials who have a legitimate educational interest
- Officials of other schools in which a student seeks or intends to enroll or is enrolled
- Parents if the parents claim the student as a dependent for tax purposes. IAIA will exercise this option only on the condition that evidence of such dependency is furnished to the Registrar and all requests for disclosure are referred to that office
- Persons in connection with a health or safety agency
- An alleged victim of an alleged perpetrator of a crime of violence or a non-forcible sex offence in connection with a Disciplinary Proceeding
- Parents regarding alcohol and drug violations of a student under 21 years of age
- As otherwise provided in 20 U.S.C 1232g(b) and 34 CFR Sec. 99.31
- Deceased students are not covered under FERPA

Parents Rights

- Parents may obtain directory information
- Parents may obtain non-directory information by obtaining a signed consent from their student

Special Notes:

- Access to student information via computer software does not authorize unrestricted use of that information.
- Curiosity is not a valid reason to view student information.
- Records should only be accessed in the context of official business.

More Important Information:

- When in doubt – **don't give it out.**
- Refer requests for student academic information to the Registrar.
- Information about a student can be released with a signed consent from the student.
- Information on a computer should be treated with the same confidentiality as a paper copy.
- Do not leave confidential information displayed on an unattended computer.
- Cover or put away papers that contain confidential information if you are going to step away from your desk.

Record Disposal

- Records containing Social Security Numbers or grades should be shredded, not just thrown in the garbage or placed in an unsecured recycling bin.

Helpful Hints for Faculty

To Avoid FERPA Violations – Please Do Not:

- Use the SSN/Student ID Number/Name to post grades.
- Leave graded tests in a stack for students to sort through.
- Circulate a printed class list with the Student Name and SSN/Student ID.

- Provide anyone with student schedules.
- Provide anyone with lists of students enrolled in your classes.
- Include confidential information (e.g., grades, GPA, number of credit hours) in a recommendation letter without the written consent of the student.
- Remember that many of your interactions with students are via telephone and you need to make sure that you do not disclose information over the phone that would violate FERPA regulations.

Recommendations for Faculty

- Post grades through Empower – known only to the instructor and the individual student
- List grades randomly, not in alphabetical order

Letters of Recommendation

- If non-directory information is included in a letter of recommendation, you must have a signed consent from the student.
- The signed consent should include the following:
 - --Who has permission to write the letter
 - --Where the letter should be sent
 - --What non-directory information should be included

Sample Permission Letter for Writing a Letter of Recommendation

I give permission to _____ to write a letter of recommendation to:

Complete address of recipient

_____ has my permission to include my grades, GPA, and class rank in the letter.

I waive/do not waive my right to review a copy of this letter at any time in the future.

Signature

Date

Institute of American Indian Arts

2013-2014 AUTHORIZATION TO RELEASE INFORMATION

In accordance with the Family Education Rights and Privacy Act (a.k.a. the Buckley Amendment), which requires that colleges and universities protect the privacy of student records, it is the Institute of American Indian Arts policy NOT to release certain information to anyone other than the student, unless the student has given us express permission to do so. Please note that this limitation includes PARENTS and SPOUSES. If you would like anyone other than yourself to have access to your information, please complete this form and return it to the Registrar's Office. Check the boxes below to indicate which type(s) of information you authorize to be released. (Note: if NO boxes are checked, we will assume that ALL categories of information can be released to the persons listed on this form). If you do not complete this form, information will not be released to anyone other than yourself.

I, the undersigned, authorize the Institute of American Indian Arts to release any information from the categories checked below to the person(s) I designate on this form. I understand that I must complete a new Authorization to Release Information each year at IAIA. I understand that if I do not check ANY of the boxes below, that I am authorizing IAIA to release information from ALL categories listed here:

- Student Accounts (billing information, charges, etc.)
- Financial Aid/Scholarships *Financial Aid*
- Academic Records (note: grade information will NOT be given out over the phone to ANYONE.) *Registrar*
- Course Schedule *Registrar*
- Academic Status Information *Registrar*
- Disciplinary Action Information *Student Life*
- Tutoring Services *Student Success Center*
- Housing Information *Residential Life*
- ADA Services *Student Success Center*
- Counseling Services *IAIA Counselor*

STUDENT ID OR SOCIAL SECURITY #: _____

STUDENT NAME (Printed):

STUDENT SIGNATURE DATE

Release information to the following:

NAME(#1): _____

LAST 4 DIGITS OF SSN: _____ RELATIONSHIP TO STUDENT: _____
(Required - used for verification purposes)

NAME(#2): _____

LAST 4 DIGITS OF SSN: _____ RELATIONSHIP TO STUDENT: _____
(Required - used for verification purposes)

If additional spaces needed, please attach another sheet and provide above information.

Please return this completed form to the IAIA Registrar's Office