

FERPA at-a-Glance

What is FERPA?

The *Family Educational Rights and Privacy Act of 1974*, as amended sets forth requirements regarding the privacy of student records. FERPA governs:

- The release of these records (known as education records) maintained by an educational institution.
- Access to these records. The law applies to K-12 as well as postsecondary education. It is applied differently for K-12 in regards to parents' access to education records. (AACRAO, vii)

Who must comply with FERPA?

Any educational institution (school or other entity that provides educational services and is attended by students) or educational agency (entity that administer schools directly linked to it) that receive funds under any program administered by the U.S. Secretary of Education. (AACRAO, vii)

What does FERPA require the college to do in order to be in compliance?

- Notify students annually of their rights under FERPA
- Protect student's rights to inspect and review their education records
- Protect students' rights to request to amend their education records
- Protect student's right to limit disclosure of personally identifiable information contained in education records.
- Ensure that third parties do not re-disclose personally identifiable information (except under a few circumstances)
- Keep records of request for and disclosure of student education records. (AACRAO, vii)

Who has FERPA rights at the postsecondary level?

A student "in attendance" (regardless of age) and former students.

- *Student* applies to all students attending—including continuing education students, students auditing a class, and distance education students.
- *In attendance* is the day that the student first attends a class at the institution. (AACRAO, vii)

What is an education record?

An education record is defined by FERPA to be those records directly related to a student and maintained by TC3 or by a party acting for TC3. There are a few exceptions, IE. law enforcement records, Counseling's records. (AACRAO, viii)

Guidelines For Releasing Directory Information

Although FERPA allows the college to release directory information, TC3 realizes that directory information could be "personally identifiable information." Section 99.3 of the FERPA regulations define the term "personally identifiable information" as including, but not limited to (1) the student's name; (2) the name of the student's parents or other family member; (3) the address of the student or the student's family; (4) a personal identifier, such as the social security number or student number; (5) a list of personal characteristics that would make the student's identity easily traceable; or (6) other information that would make the student's identity easily traceable.

FERPA does not define “easily traceable” and it is incumbent that TC3 staff to determine whether the release of information might be considered easily traceable. This must be done on a case-by-case basis. If it is reasonably believed that a release of information would make the student’s identity “easily traceable” the information should not be disclosed to the requesting party. Also, TC3 staff should not release any information on a student where the student has filed a request to withhold the release of directory information.

Guidelines for Releasing Non-Directory Information

Any information that is not listed as directory information should not be released to anyone other than the student without the student’s written permission. This applies to all students taking courses, including high school students. FERPA doesn’t take age into consideration. It’s based on the course being offered by TC3.

Information should only be given out to the student over the telephone if the student is able to confirm information that only he/she would know. Questions such as student identification number, date of birth, place of birth, parent name and address, high school, major program, class level, recent courses taken, etc. could be asked by the faculty member to confirm the students identity. These questions should be answered correctly by the student prior to releasing any information over the telephone. (AACRAO, viii) Also, email is not considered a secure communication by FERPA regulations as there is no guarantee of confidentiality on the Internet. TC3 would be held responsible if an unauthorized third party gained access to a student’s education record through any electronic transmission method where TC3 did not take measures to secure the transmission. Once TC3 has our own student email system, where we have established the accounts and security for the student, we will be able to use this method to communicate with students.

College employees do not have an inherent right to any and all education record information. They only have access if they have a legitimate educational interest as apposed to a personal or private interest. This should be determined on a case-by case basis. A legitimate educational interest is determined if the information requested/accessed is necessary for that person to

- a) Perform appropriate tasks that are specified in his/her position description or by a contract agreement.
- b) Perform a task related to a student’s education that is in the student’s educational interest, IE. it is not a legitimate educational interest for faculty to review a student’s previous academic history in other classes prior to assigning a final grade.
- c) Perform a task related to the discipline of the student.
- d) Provide a service or benefit relating to the student or student’s family, such as health care, counseling, job placement or financial aid.

What about parents?

- When a student reaches the age of 18 or begins attending a postsecondary institution regardless of age, FERPA rights transfer to the student.
- Parents may obtain directory information only at the discretion of the institution.
- Parents may obtain non-directory information (grades, GPA, etc.) only at the discretion of the institution AND after it has been determined that the child is legally their dependent. (Student

must be claimed as a dependent on the parent's tax forms.) This is determined by the Dean of Students Office.

- Parents may also obtain non-directory information by obtaining signed consent from their child.

Posting of Grades

The public posting of grades, either by the student's name, institutional student identification number, or social security number, without the student's written permission is a violation of FERPA. This includes the posting of grades to a class/institutional Web site and applies to any public posting of grades for students taking distance education courses. Even with names obscured, numeric student identifier numbers are considered personally identifiable information.

Requests for Access to Student Information

Any request for information about a student, except by the student, should be sent to the Academic Records Office. Academic Records will make sure TC3 has the proper documentation of file and then notify you when it is alright to release any information. If you receive documentation to release information regarding a student, you may release the information and forward the documentation and a note with regards to what information was released. You may only release the information specifically stated on the documentation, IE. if the release states you can tell a parent the student's grade, but doesn't include the student's attendance or how the student is doing in class, you may only release the grade.

Hicks, D. J., Baker, E. G., Hawkey, E., Myers, B. A., Weese, F. A., FERPA 2006 Guide, AACRAO, Washington, DC.