



**SWASFAA 2015**  
**Designing Pathways to Success:**  
**Under the Turquoise Skies**

# Family Education Rights and Privacy Act (FERPA)

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## What is FERPA?

- The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. The Law applies to all schools that receive funds under an applicable program of the U.S Department of Education

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## Who is protected by FERPA?

- Students who are or have been "in attendance" at the institution, in person, or by paper correspondence, video conference, satellite, internet, or other electronic and telecommunications technologies for students who are not physically present in the classroom regardless of their age or status in regard to parental dependency are protected by FERPA.
- Students who have applied to but have not "attended" an institution, and deceased students, are not protected by FERPA.
- For FERPA purposes, most institutions considers a student to be "in attendance" once he or she has enrolled in courses for his or her initial term of enrollment.

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### What are a student's primary rights under FERPA?

- The right to inspect and review the student's education records within 45 days (calendar days) after the "college" receives a request for access.
- The right to request the amendment of the student's education records that the student believes is inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA.
- The right to provide written consent before the college discloses personally identifiable information (PII) from the student's education records, except the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirement of FERPA through the Family Policy Compliance Office.

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### When do FERPA rights begin?

- FERPA rights begin for a student when he or she has reached 18 years of age OR is attending a post-secondary institution.
- When a student becomes an eligible student, the rights accorded to, and consent required of the parents under this part, transfer from the parent to the student. This would include high school students enrolled in college programs.

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### The Registrar

- The registrar is usually the primary and official institutional record keeper, who assumes and is charged with responsibility for compliance with FERPA.
- FERPA empathically states its application to all areas of the institution that receives funds from the federal government, applies to each and every custodian of education records throughout the campus.

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### What are education records?

- Education records are defined as records, files, and communication in any medium that directly relate to and identify a student and are maintained by the school or by a party acting for the school. These records include, but are not limited to:
  - Grades
  - Transcripts
  - Class lists
  - Student course schedules
  - Student financial information

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### Exceptions to educational records

- Sole possession records
  - Sole possession records are notes or records created regarding the student but not shared with anyone or not put in the official student record.
- Law enforcement records
- Employment records
  - If the position is contingent upon the students attendance at the institution then it is considered a part of the student's record. (excluding student employment records)
- Medical records
- Alumni records

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### What is personal identifiable information?

- Refers to the kind of information or data from which the identity of a specific person can be determined.
  - The student's name
  - The name of the student's parent or other family members
  - The address of the student or student's family
  - The student's social security number, student ID number or biometric record
  - Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

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### What is directory information?

- Directory information is defined by FERPA as information contained in an education record of a current student that “would not generally be considered harmful or an invasion of privacy if disclosed”. Each school has the right to determine what they consider to be directory information
- Directory information at CNM
  - Student’s name
  - Major Discipline
  - Classification
  - Dates of attendance
  - Awards and honors
  - Degrees/certificates awarded

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### What is directory information (cont.)?

- Directory information may be released to third parties without the consent of the student, unless the student has provided a written request to the institutions Registrar Office to restrict the release of his or her directory information.



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### What is non-directory information?

- Student ID number
- Grades
- Transcripts
- Social security number
- Race
- Ethnicity
- Gender
- Nationality

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Resources

- Family Policy Compliance Office-<http://familypolicy.ed.gov/>
- U.S. Department of Education-  
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

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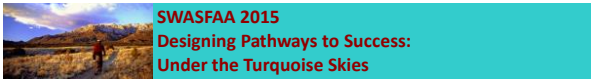
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