FERPA Quick Facts

What is FERPA?
- The Family Educational Rights and Privacy Act of 1974
- Also known as the Buckley Amendment
- Provisions to protect student record information

Why Comply with FERPA?
- It’s a federal law enforced by the Family Policy Compliance Office of the U.S. State Department of Education
- Failure to comply could result in the withholding of federal funds including student financial aid
- Lawsuits caused by violations cost time and money
- University employees may be disciplined for intentional violations of the Act

Rights Granted to Students by FERPA
- Inspection and review of their own education records
- Petition amendments to records
- Some control over the disclosure of information from their records

Who is and is not covered under FERPA?
- Students who are or have been in attendance at a post-secondary institution are covered under FERPA
- Applicants who are denied admission or who never attend are not covered under FERPA [Note: some information submitted in an application (i.e. test scores, grades, social security numbers, etc.) should remain protected from disclosure]

When do FERPA rights begin for a student?
- When the student reaches the age of 18 or begins attending a post-secondary institution, whichever comes first
- If the institution does not define "in attendance", the law stipulates FERPA rights begin the first day the student attends class

What are Education Records?
- All records that directly relate to a student and are maintained by an institution
- These records may be in any media form: handwritten, print, type, film, electronic, etc.
- Conversations with the student and personal observations of student behavior are not "private"

What information might need to be handled in a secure way?
- Registration forms
- Grades and Transcripts
- Student information displayed on a computer screen
- Student schedules
- Class assignments
- Class rosters
- Any electronic or paper document with the student’s ID or grade(s) on it
Education Records are not:
- Sole Possession Notes - kept by faculty/staff member and not accessible to any other person
- Department of Public Safety Records - maintained solely for law enforcement purposes and revealed only to law enforcement agencies
- Employment Records - of those whose employment is not contingent upon student status
- Student Medical Records - created by health care professional and disclosed only to other health care professionals for the medical/health treatment of the student
- Alumni Records - containing information about a student no longer in attendance

What information may be released?
- Directory Information
- Information for which the student has given written release
- Information needed by a U of U employee who has a legitimate educational interest
- Information needed by certain government agencies

What is "Directory Information"?
- Information that may be released without the student’s written consent, unless the student restricts disclosure
- Each institution, to some extent, determines what information is classified as directory information

Directory Information at the University of Utah includes:
- Student Name, address, or telephone number
- Student ID Number
- Class standing
- Field of study
- Participation in officially recognized activities or sports
- Weight and height of athletic team members
- Dates of attendance
- Degrees and awards received
- Most recent previous educational agency or institution attended
- E-mail address
- Enrollment status
- Photograph

Student (and former student) Rights under FERPA
- Students have a right to know where education records are kept
- Students have a right to inspect their education records
- Students have the right to seek to have records amended if necessary
- Students have the right to file a complaint with the U.S. Department of Education if they feel their rights have been violated
- Students have the right to expect that their education records are kept confidential except where special provisions are made
- Students have the right to suppress the disclosure of directory information to outside agencies and third parties
Who can access student information?
- University of Utah employees who have a legitimate educational interest
  - *Legitimate Educational Interest*: a school official's need to review student educational information to fulfill a professional responsibility
- Others who are performing a function on institution's behalf who have a legitimate educational interest

Parents' ability to access student information (not a "right")
- Parents may obtain directory information, provided the student does not have a FERPA restriction
- Parents may obtain non-directory information by acquiring a signed release from their child
- Existence of a signed consent does not constitute a "power of attorney", empowering parents to act on behalf of the student

Employees Take Note:
- Access to student information via CIS or other computer software does not authorize unrestricted use of that information
- Curiosity is not a valid reason to view student information
- Parenthood is not a valid reason to view student information on one's son or daughter
- Records should only be used in the context of official business

More Important Information:
- When in doubt, don't give it out
- Requests for student academic information should be referred to the Registrar's Office
- 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 when stepping away from your desk
- Records containing SSNs/Student IDs/Names and/or grades should always be shredded, not just thrown in the garbage or recycling

Special Hints for Faculty to Avoid FERPA Violations - They should not:
- Use the SSN/Student ID/Student Names to post grades
- Leave graded tests (electronically or in print) for students to sort through
- Circulate class lists with student names and SSN/Student IDs (electronically or in print)
- Provide anyone with student schedules
- Provide anyone with lists of students enrolled in your classes
- Include confidential information (i.e. grades, number of credits, etc.) in a recommendation letter without the written consent of the student