



Missouri University of Science and Technology

# FERPA

**An introduction to the Family Educational  
Rights and Privacy Act**

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# Introduction

- ▶ This is an overview of FERPA and is not meant to answer every question you may face.
- ▶ Campus policies have been developed to comply with FERPA.  
<https://registrar.mst.edu/ferpa/>
- ▶ If you have questions about a situation, contact Deanne Jackson (573-341-4076 or [deannel@mst.edu](mailto:deannel@mst.edu)) or Crystal Wilson (573-341-4287 or [wilsoncry@mst.edu](mailto:wilsoncry@mst.edu))

# Family Educational Rights and Privacy Act of 1974

- ▶ FERPA is the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. Statute: 20 U.S.C. 1232g; Regulations: 34 CFR Part 99. The intent of the Act is to protect the rights of students and to insure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

# **FERPA:**

## **What You Need to Know**

- ▶ Institutions may not disclose information about a student without a student's written consent (with a few exceptions.)
- ▶ You may be the one who is asked for information, so you need to know what, about who, to who, and when information may be released.

# Who is protected by FERPA?

- ▶ Those protected by FERPA are students who are or have been in attendance at the institution, in person or by correspondence, regardless of their age or status in regard to parental dependency.
- ▶ Students who have applied to but have not attended an institution, and deceased students, do not come under FERPA guidelines.


# ***Primary Rights of Students Under FERPA***

- ▶ The right to inspect and review their education records, including paper files within departments or instructor notes.
- ▶ The right to request an amendment to the student's education records that the student believes are inaccurate or misleading.
- ▶ The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

# Primary Rights of Students Under FERPA (continued)

- ▶ The right to file a complaint with the United States Department of Education concerning alleged failures.

# What can I release?

- ▶ Directory information may be shared, unless a student has asked that it not be.
  - How do I know if I cannot share?
  - Blue window shade in Joe's SS 
  - If you do not have access to Joe's SS then contact our office.



# Missouri S&T's Directory Information is (Same for all UM system):

- ▶ Name
- ▶ Address
- ▶ Telephone listing
- ▶ Email address
- ▶ Major field of study
- ▶ Dates of attendance
- ▶ Student level
- ▶ Degrees and awards received
- ▶ Enrollment status (i.e. full/part time)
- ▶ The most recent education agency or institution attended
- ▶ Participation in officially recognized sports

# What can I not release?

- ▶ Social security number
- ▶ Student number
- ▶ Race/ethnicity/nationality
- ▶ Gender
- ▶ Student class schedule
- ▶ Grades
- ▶ Other “personally identifiable” information without written consent.

# How can I release non-directory information?

- ▶ To release any information, other than directory information, to someone other than the student, the student must have given prior written consent.
- ▶ The consent must:
  - Specify the records to be disclosed
  - State the purpose of the disclosure
  - Identify the party or class of parties to whom the disclosure may be made
  - Include a signature and date

# When is the student's consent not required to disclose information?

- ▶ When the disclosure is:
  - To school officials who have a legitimate educational interest;
  - to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs;
  - to organizations providing financial aid;
  - to organizations conducting studies on behalf of educational institutions;
  - in a health or safety emergency;
  - to comply with a judicial order or subpoena.

# S&T's policy regarding release of information

- ▶ In accordance with S&T's FERPA policies, you may release directory information if the student has not asked that it be withheld.

# What is the penalty of violating FERPA and how would anyone know?

- ▶ Students may file complaints with the U.S. Department of Education.
- ▶ The Family Policy Compliance Office (FPCO) is authorized by the Secretary of Education to investigate, process, and review complaints and violations under FERPA.
- ▶ If a complaint is found to be valid, the institution may lose Department of Education funds, for instance federal financial aid.
- ▶ Generally, this is done only if compliance cannot be secured with voluntary means.

# FERPA bottom line for you

- ▶ Institutions may **not** disclose information about a student **without a student's written consent** (with few exceptions).
- ▶ You as a GTA, could be the one who is asked for information, so you need to know what to release, about whom, to whom and when.
- ▶ You need to know how to record requests for release of information.
- ▶ Most of you will not have access to the data inside PS, however you will have access to data inside canvas or paper tests/quizzes or homework.
- ▶ **When in doubt call the Registrar's Office at 573-341-4181.**

# Non-Directory Information Release Form

- ▶ If you are asked to share information, a student may sign a release form giving you authority to speak directly with individuals regarding this student's academic record.
- ▶ You will need to keep this release form, usually the department administrative assistant has a file, as a record of the release.



# Interesting FERPA Facts

- ▶ Instructors cannot leave homework/tests outside door in pile for students to go through and find their own.
- ▶ Instructors cannot post scores by number/identifying information for students to see.
- ▶ When sending a group email with grading or specific academic information, the sender must use the BCC option.
- ▶ If someone has a FERPA block, you cannot even say that they are a student.

# FERPA Quiz

# QUESTION

A parent calls and asks for a list of your class roster with their contact information and recent test scores. They feel their student's grade was lower than the rest of the class.

Can you give them the information?

# ANSWER

NO-You cannot give any information that they are asking.

The parent does not have any need to know about class students or grades. Even their own student should not have access to the rest of the class grades.

# QUESTION

An employer calls regarding a student in your class. He is interested in hiring this student, but would like to speak with them. He asks you for their phone number.

Can you release this?

# ANSWER

YES-Phone numbers are part of directory information. You can release a students phone number listed on the FERPA Panel if they do not have a restriction.

# QUESTION

I am teaching a class, and another faculty member asks me a question about one of the students in my class. The faculty member states they would like to hire the student for the summer but wonders about the student's grades. The information the faculty member is asking about is not directory information, can I release the information?

# ANSWER

NO. The faculty asking for the information has no educational interest in the student they are asking about. In this situation it is best to relay to the student that another faculty member is wanting to hire them for the summer and let the student contact that faculty if they are interested.



# THANK YOU!

If you have any questions or concerns, please contact Deanne Jackson at 573-341-4181 or Crystal Wilson at 573-341-4287.