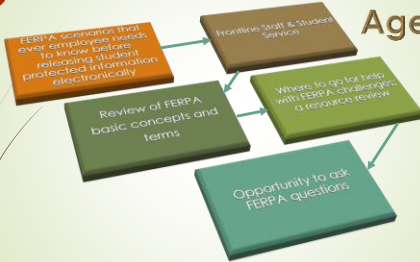


FERPA: Training & Compliance For Frontline Staff

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Today's Agenda



5 Steps To Quality Service

- Step 1 Show you care and understand
- Step 2 State what you will do or have done
- Step 3 Uncover needs and facts, check for understanding and acceptance
- Step 4 Go the extra mile and show your delight
- Step 5 Clearly state the what and the why of information and option



FERPA

The Family Educational Rights and Privacy Act of 1974

- Federal law governing the privacy of educational records
- Grants specific rights to students
- Sets restrictions on how schools may handle educational records
- Requires that schools obtain written permission from students before releasing educational record
- In certain well-defined circumstances, some information may be released without written permission from the student

What are the Students' Rights Under FERPA?

- The right to see educational records the school is keeping on the student within 45 days of the request.
- The right to seek amendment to those records.
- The right to consent to any disclosure of those records.
- The right to obtain a copy of the school's Student Records policy.
- The right to file a complaint with the FERPA office in Washington, D.C. (<http://www.ed.gov/policy/gen/guid/fpco/index.html>)

FERPA Limitations on Staff



May not improperly disclose personally identifiable student information



May not decide whether or not to authorize release of a student's records (student has the exclusive right to decide)



May not release to a 3rd party without a signed agreement

Key FERPA Terms for Employees



You are Good to Go, If You Know...

- Where to find your institution's FERPA policy?
- Your institution's directory information?
- How your school defines "attendance"?
- Does your school allow parents of dependent students to present tax records to have access to their records?
- Has your institution defined in writing who your "school officials" are? Does this include student employees?
- How are students being notified annually of their FERPA rights?
- Where you can see in the system that a student has a FERPA Hold?



What is an Education Record?

- Any record, with certain exceptions, maintained by an institution that is directly related to a student or students.
- Education records include both personally identifiable information such as a student's name(s) or information from which an individual student's identity can be deduced.
- Education records include: files, documents and materials in whatever medium (handwriting, print, tapes, disks, film, microfilm, or microfiche.)

What is **NOT** an Education Record?

- Law Enforcement Records
- Employment Records
- Medical Records
- Alumni Records
- Sole Possession Notes



Directory Information

- Directory information is the information available about a student that is not considered harmful or an invasion of privacy if disclosed. While FERPA protects the privacy of educational records, directory information is not treated as confidential and may be disclosed by the institution without student consent unless the student requests a privacy hold.

Sample Directory Information
(Don't Confuse – Provide Only Institution)

- Student's name
- Student's local/permanent addresses and **email address**
- Student's listed telephone number(s)
- Major field of study
 - Dates of attendance
 - Enrollment status (undergraduate or graduate, full time or part time)
 - Degrees and awards
 - Most recent previous educational institution attended
- Publication titles (dissertations)
- Weight and height of university athletes

School Officials

- An agent of the college in an administrative, supervisory, academic, research or **support staff** position
- A member of institution committees, boards and/or councils
- A person under contract to the institution to perform a special task, such as an attorney or auditor

More School Officials

- Individuals other than faculty and staff may be included as school officials. The definition is broad enough to include:
 - graduate assistants
 - work-study students
 - students serving on committees for specified tasks

It is important to understand that school officials within the institution may obtain information from education records without obtaining prior written consent. What are the criteria that should be used to determine who will be considered a school official.

Legitimate Educational Interest

- Legitimate educational interest means a school official has a need-to-know specific information in a student's record. Legitimate educational interest refers to any authorized interest or activity undertaken in the name of the institution.
- Access to an educational record must be necessary or appropriate to the operation of the institution or to the proper performance of the educational mission of the institution.

Disclosure to Parents

- Schools *may* disclose education records to parents if the student is a dependent for income tax purposes.
- Schools *may* disclose education records to parents if health or safety emergency involves their son or daughter.
- Schools *may* inform parents if the student who is under 21 has violated any law or its policy concerning the use or possession of alcohol or a controlled substance.



Helping Staff Survive Parents: Management Plan



Web for Parents The Parent Proxy Account

- Allows students to create a parent account for proxy access to important information that pertains to the student.
- Students set up the account using the parent email address and a PIN. The student determines and authorizes what information is available to view by the parent.
- Through the parent proxy account, parents can access information including warning grades, final grades, pay deposits, and view/pay eBills

Disciplinary Records



Student disciplinary records are protected as education records under FERPA

- Circumstances in which disciplinary records may be disclosed without the student's consent:
 1. May disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding regardless of whether the institution concluded a violation was committed.
 2. May disclose to anyone—not just the victim—the final results of a disciplinary proceeding, if it determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies

The Clery Act



The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires institutions to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make public their campus security policies. It also requires that crime data be collected, reported, and disseminated to the campus community annually. The Clery Act is intended to provide students and their families with accurate, complete, and timely information about safety on campuses so that they can make informed decisions. Such disclosures are permitted under FERPA.

Health or Safety Emergency

- In an emergency, FERPA permits school officials to disclose without student consent education records including personally identifiable information from those records, to protect the health or safety of students or other individuals. Records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel.
- Limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education records.

FERPA permits institutions to disclose information from education records to parents if a health or safety emergency involves their son or daughter.

What documents does a student NOT have a right to see?

Confidential letters and recommendations placed in the student's file before 1/1/75


Confidential letters, etc., associated with admissions, employment, job placement or honors to which a student has waived rights of inspection and review

BANNED

Educational records containing information about other students such as grades, test scores, etc.

Financial information submitted by parents

Communicating With Students Electronically

- 1. Place a statement in the Subject line or body of external email communications that states: "Under FERPA, this email is intended only for (Student's Name)." 
- 2. Always use a student's college email account. Students can forward this email to another account, but in so doing, they remove the information from the school protected server and assume liability for the content of the email at that point.
- 3. Keep a record of all communications during a term as a record of compliance.
- 4. It is permissible to communicate about educational records, including grades, through the student's institutional email account.
- 5. If you email a group of students, put the students' email addresses in the BCC column or develop a distribution list.

Passwords

- Protect all records kept on a computer, printed, or otherwise stored during a term
- Ensure these and any non-directory information about a student (e.g., grade book backups, transcript, personal information) is protected
- If you share a computer with anyone, consider password protecting student information or keeping it on a password protected external storage medium.

When In Doubt Don't Give Out

- You are never obligated to give out FERPA protected information.
- FERPA law states that schools have up to 45 days to provide students with access to their information and this does not require the information to be copied and released, but just to make the information visible to review.
- The more pressure you are receiving to release information, the more you want to assume that the person asking does not have the right to access the student's information.



CAUTION

The contents of an educational record may appear in a variety of forms, such as :

- Handwritten document
 - Computer file
- Computer screen
 - Printout
 - Image
 - Email


WARNING

Retention / Storage

- Non-directory information should not be left accessible, unattended or stored in an unsecured environment. Papers should not be left on a front counter that is visible to individuals. Information on a computer system should be treated in the same way as printed material. This applies to data files on hard/jump drives, CD's etc.

Purging of Records

- The institution may not purge any education records if there is an outstanding request to inspect or review the records.




Letters of Recommendation

- Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if non-directory information obtained from a student's educational record is included in a letter of recommendation (grades, GPA, etc.), the writer is required to obtain written permission from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or parties to whom the disclosure can be made. The permission must also be signed and dated by the student.
- If kept on file by the person writing the recommendation, it would be part of the student's educational record and student has the right to read it unless he or she has waived that right of access.

Photos

- The public posting of student photos in which the student is identified in some way is prohibited. The University publishes pictures of students in brochures, posters, web pages, etc but does not, without consent, identify the individual



Information Over the Phone

- FERPA does not preclude an institution from disclosing nondirectory information from a student's educational records to that student by telephone.

Media Releases

Employees should follow university policy regarding the release of information to the media. FERPA does not allow institutions to discuss a student's educational record publicly -- even if the information is a matter of public record. A school official may not assume that a student's public discussion of a matter constitutes implied consent for the disclosure of anything other than directory information in reply. However, if confidentiality status has been requested, then no information may be included in the reply

Securing your Workstations

- Lock Your System
- Shut Down
- Run Virus Scanning Software
- Password Protect Files
- Apply Patches



Check for Understanding



Situation # 1

A Sheriff's deputy and a special FBI agent arrive at your counter with a subpoena for three students' academic records.
Should you provide the information requested in the subpoena?

Situation # 1

YES This is a perfect example of "when in doubt, don't give out." The institution will have a procedure for dealing with a subpoena.

NO Generally, the law enforcement officials should be referred to the Registrar's Office which will coordinate the request and gathering of the requested information. FERPA does allow disclosure if a health or safety emergency exists and the information will assist in resolving such cases.

Be certain to inform your supervisor immediately and then let others take it from there.

Situation #2

You are answering phones in the office and receive a frantic call from an individual who says that he is a student's father and he must get in touch with her immediately because of a family emergency.

Can you tell him when and where his child's next class is today?

Situation #2

YES

NO

When a panicked person calls, it is only natural to want to help. However, a student's class schedule is not directory information and should not be disclosed without written consent from the student. Inform the caller that he should contact campus security (or the appropriate office on campus that deals with family emergencies) for assistance. You may offer to either transfer the call to the appropriate office or call the office and ask them to contact the parent.

When similar situations arise, follow prescribed institution procedures. If a true emergency exists, appropriate officials will assist in notifying the student or will determine if an exception to FERPA exists. Do not share a student's class schedule with any third party.

Situation #3

- You leave your desk for lunch with a good friend. You leave
- your computer logged into a current student academic information list. While your are gone, a friend of a coworker
- uses your computer to access another student's information.
- **Are you responsible for this violation under FERPA?**

Situation #3

As a school official, you are responsible for maintaining the confidentiality of all student records you access during your work. The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.

YES

NO

Be certain to log out each time you leave your workstation to ensure that others can't gain access to confidential student information.

Situation #4

A parent comes into the office to drop off a set of forms for her child who is a currently enrolled student.

Have you committed a FERPA violation if you accept the documents and forward them to the appropriate staff member for processing?

Situation #4

YES

NO

You may accept information from the parent. FERPA protects the student from having personally identifiable information disclosed, but it does not prohibit the institution from accepting information.

Situation #5

A. The department you are working for is trying to improve the freshmen major courses. The department head asks for a list of names and addresses for students who are enrolled in the specific lower division major requirement courses. The addresses will be used to mail a survey about the quality of the course. Results of the survey will be used to improve the course.

B. An academic department is preparing a mailing to departmental students about a critical deadline. The department is allowed to send this mailing to a student who has requested that no directory information be released.

Do FERPA rules allow you to fulfill these requests from the academic Departments?

Situation #5

YES Both requests are coming from school officials who have a legitimate educational reason for use of the information.

NO Although a student has asked for a privacy hold, information may be shared between school officials when a legitimate educational reason is documented.

Situation #6

You receive a frantic email from a woman saying that her daughter is diabetic and on medication. She hasn't seen the daughter in 6 days and needs you to give her the student's schedule so she can find her.

Can you provide her with the student's schedule via email?

Situation #6

YES

NO

- You may not release a student's location, time or class schedule to anyone without written permission from the student or in response to a subpoena which has been approved by your college attorney.
- If this occurs, respond that you may not release that information. If they press you, refer them to your supervisor for backup help.
- The FERPA Authority at your campus (usually Registrar) could make a decision to notify the student that there is a concern and ask her to contact her mother.
- Remember, FERPA is technology neutral—same rules in person or electronic.

Situation # 7

You work in the Registrar's Office and receive a call from an instructor who says that an international student, living off campus, emailed her earlier this morning thanking her for teaching her and giving the faculty member the impression that she was going to complete suicide

How should you respond?

- A. Tell her you want to help, but you can't release information the student gave to an instructor in confidence because you can't verify it came from the student via email.
- B. Refer the call to your supervisor to work with campus public safety or the local police to check on her.
- C. Since she is an international student, she is not covered by FERPA, so you can refer her situation to the local police.

Situation #7

The answer is **B**.

- In this circumstance, campus authorities can partner with local police to do a wellness check and site the Health and Emergency aspect of FERPA. Verifying where the email originated is not relevant in this case since the health and emergency clause will be invoked.
- It is a common misperception that since FERPA is a U.S. federal law, that it does not apply to international students. This would be similar to saying that speed limits do not apply to international students.

Additional Resources

- THE AUTHORITY
Family Policy Compliance Office website:
<http://www.ed.gov/policy/gen/guid/fpco/index.html>
sample forms, library, recent updates, regulations

202-260-3887 (Telephone)
202-260-9001 (Fax)
FERPA@ed.gov (informal requests for technical assistance)

QUESTIONS / COMMENTS / DISCUSSION