

Family Educational Rights and Privacy Act (FERPA)

Can directory information be released to anyone who requests it?

- No, if the student has requested that directory information be withheld, no information can be released
 - outside of college except as provided by law
 - to anyone within college who does **not** have a need to know
- Yes, if the student has **not** requested that directory information be withheld.
 - Directory information can **never** include:
 - Social security number / Student identification number / Race / Ethnicity / Nationality / Gender

When can information be released without student consent?

- The law allows disclosure without consent to:
 - School employees who have a legitimate educational interest
 - Other schools, upon request, in which a student is intending to enroll
 - Appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid
 - Parents when a student over 18 is still a dependent
 - Certain government officials of the U. S. Department of Education, or state or federally supported education programs
 - Individuals who have obtained a judicial order or subpoena
 - School officials who have a need to know concerning disciplinary action taken against a student
 - Appropriate parties who need to know in cases of health and safety emergencies when necessary to protect the health and safety of the student and / or others
 - State and local authorities, within the juvenile justice system, pursuant to specific state law
 - Alleged victim of a crime of violence the results of a disciplinary proceeding with respect to that crime
 - Parent or legal guardian of a student under the age of 21, information regarding any violation of university policy or state, federal or local law, governing the use or possession of alcohol or a controlled substance

Consent to Release link in the student's self-service in PeopleSoft – gives permission to a third party to access their records ie: Student Accounts, Financial Aid, and/or Academic Records. *The third party must know the security code word or phrase.* Permission to *access* records does NOT give the third party permission to make any changes to those records, INCLUDING adding or dropping classes, changing bio-demo information such as name, address, phone number, etc.

Suppressed Directory Information

Students have the right to require that directory information about them not be disclosed. To activate a privacy flag, a student must submit a request in writing to the Registrar's Office. Please note that students who request suppression of directory information usually do so for serious, even dangerous, circumstances. It is critical that their absolute privacy be protected in every situation.

Non-Directory Information

Non-Directory Information is any educational record not classified as directory information (this includes grades, social security number, GPA, etc...). This private information may not be released to anyone, including parents of the student, without written consent from the student. College staff may access this information only if they have a legitimate need to use it to fulfill official duties. There are some legitimate exceptions to this rule, however.

Please remember that if you have access to student data, you are responsible for its proper handling. No matter what the form or content, you are accountable for handling student records in accordance with the law and college policy. It is always better to err on the side of caution where confidential information is concerned. Please contact the Registrar's Office if you have any questions.

What are educational records?

- Records - handwriting, print, computer, videotape, audiotape, film, microfilm, microfiche or e-mail
- Contain information directly related to the student
- KCTCS lists the following as records maintained by the colleges
 - Academic records from schools previously attended
 - Scores / results on standardized tests and interest inventories
 - Degrees awarded/Current academic work completed
 - Grades and other faculty evaluations
 - Applications for admissions/ Applications for employment
 - Applications and other data related to financial aid
 - Applications for employment
 - Class rolls/ Attendance data/Letters of recommendation
 - Academic advisor notes/ Current student status
 - Biographical and identifying information
 - Medical data/Accounts relating to fees
 - Academic offenses/Disciplinary offenses/Counseling notes

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

- Financial information submitted by parents
- Confidential letters and recommendations placed in student's file before January 1, 1975
- Confidential letters, etc., associated with admissions, employment, job placement or honors to which a student has waived rights of inspection and review
- Educational records containing information about other students such as Grades, Test scores, etc.

What rights do parents have under FERPA?

- FERPA gives certain rights to parents regarding their children's educational records.
 - Rights transfer to the student
 - Upon reaching 18 years of age or
 - Attending any school beyond the secondary level
- When may a parent access a student's educational records?
 - Law allows parental access if student is claimed as a dependent for Federal income tax purposes.

- Access is granted to both the parent who claims the student as well as the parent who is not claiming the student.
- How can a parent access student information if the student is not being claimed by either parent for Federal income tax purposes?
 - Parent can have access only if the student is willing to release information.
- A parent may access student information but may not act on the student's behalf except in emergency situations.

Special "dont's" for faculty

- To avoid violations of FERPA rules, **do not**:
 - at any time use the entire Social Security Number of a student in a public posting of grades
 - ever link the name of a student with that student's social security number or id number in any public manner
 - leave graded tests in a stack for students to pick up by sorting through the papers of all students
 - circulate a printed class list with student name and social security number or grades as an attendance roster
 - discuss the progress of any student with anyone other than the student (including parents) w/o the consent of the student
 - provide anyone with lists of students enrolled in your classes for any commercial purpose
 - provide anyone with student schedules or assist anyone other than university employees in finding a student on campus

When in doubt about whether or not something is a FERPA violation, it's always best to err on the side of caution and NOT release information. Also, if someone feels more comfortable in doing so they can always refer the person to the Registrar's Office.

WHEN IN DOUBT, DON'T GIVE OUT!