

FERPA

Family Educational Rights and Privacy Act

(also known as the Buckley Amendment of 1974)

Before FERPA was enacted in 1974, students didn't have a right to access their records...but just about everyone else did!

FERPA is a Federal law that protects students' rights:

- The right to inspect and review education records (BSCTC must grant requests to review education records within a reasonable time, but in no case more than 45 days after a written request is received from the student.)
- The right to seek to amend education records deemed inaccurate and in certain cases append a statement to the record (BSCTC must respond to reasonable requests for explanations and interpretations of education records.)
- The right to consent to the disclosure of education records
- The right to file a complaint with the FERPA Office in Washington, D.C.

FERPA defines our practices on data use, display, and storage:

- The consequences of how we handle (or mishandle) student educational records are significant.
- You can be held personally liable and can endanger institutional funding.
- FERPA details what student information can be disclosed and to whom it may be disclosed.

What is a student education record?

- Student education records are official and confidential documents protected by FERPA. Education records are defined as all records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution, and include personal information, enrollment records, grades, class schedules, etc.
- Education records can exist in any medium, including: typed, computer-generated, videotape, audiotape, film, microfilm, microfiche and email, among others.
- There are no Federal requirements to make or keep a record.

Education records do NOT include:

- Personal notes which are not shared with others
- Law enforcement/public safety records maintained solely for law enforcement purposes
- Employment records where employment is not connected to student status
- Records related to treatment by a health care professional used only for medical/health treatment of the student
- Post-attendance records, i.e., information about a person that was obtained when the person was no longer a student (alumni records) and does not relate to the person as a student

Some examples of information that may NOT be released without prior written consent of the student are:

- religious affiliation
- citizenship
- disciplinary status
- ethnicity
- gender
- grade-point average (GPA)
- marital status
- SSN/student I.D.
- grades/exam scores
- test scores (e.g., ACT, SAT, COMPASS, etc.)
- progress reports

Disclosure of Education Records

- Generally, the College must have written permission from the student before releasing information from the student's record. This includes requests for transcripts, parental viewing rights, etc.
- FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.

Written Permission is a signed and dated document that...

- Identifies the student (i.e., SS #)
- Specifies the records to be disclosed
- Specifies the identity of the person or the name and address of the institution to which the records should be disclosed

Directory Information

- One exception to the written permission requirement is what is called "Directory Information." Directory Information may be released without the student's prior consent. Definition of Directory Information is published in the KCTCS catalog, on the BCTC website, and on the U.S. Department of Education website

Directory Information includes:

- Student name, address, telephone number, date and place of birth,
- Major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student,
- Participation in officially recognized activities and sports, and weight and height of members of athletic teams.

HOWEVER...

- Students may withhold Directory Information by notifying the Dean of Student Affairs in writing within ten (10) calendar days from the first scheduled day of class of the fall term. All written requests for non-disclosure will be honored by the college for one (1) academic year and must be filed annually thereafter.

Permission to release information is not required if that information is...

- To "school officials" within the College who have a "legitimate educational interest"
- To officials at an institution in which a student seeks or intends to enroll
- In compliance with a judicial order or pursuant to a subpoena
- In connection with a health or safety emergency if necessary to protect the health or safety of the student or others
- Directory information

A "school official" is...

- Any person employed by KCTCS in an administrative, supervisory, academic, research or support staff position, a person elected to the Board of Trustees, or a person employed by or under contract to KCTCS to perform a specific task

A school official has a "legitimate educational interest"...

- If the official is performing a task that is specified in his or her position description or contract agreement
- Is performing a task related to a student's education or to discipline of a student
- Is providing a service or benefit related to the student or student's family, or maintaining the safety and security of the campus
- An example would be an academic advisor to a student reviewing the student's record on what courses have been completed. This is related to the task of advising the student. The advisor would not be authorized to view records that are not relevant to the task at hand.

The Patriot Act of 2001

- The USA Patriot Act of 2001 added a new subsection that allows the US Attorney General to apply for an *ex parte* order requiring an educational agency to allow the Attorney General to collect and use education records relevant to investigations and prosecutions of specified crimes or acts of terrorism, whether domestic or international.

If you are an employee with access to on-line student records, you have no authority to...

- "Browse" your son's/daughter's/spouse's (or anyone else's) information for your own personal knowledge; you must have a "legitimate educational interest"
- You must have a job-related reason for even viewing confidential student information

Confidential information can be found on...

- Admissions Applications
- Applications for Graduation
- Registration Forms
- Drop/Add Forms
- Class Rosters/Grade Rosters
- Grade Change Forms
- Advising Documents
- Test Score Reports
- Financial Aid Applications/Documents
- Scholarship Applications
- A Computer Printout in Your Office
- Your Computer Screen

How you can comply...

- Keep papers containing student information face-down
- Minimize your computer screen when someone comes into your office or move your screen so that information is not viewable by others
- Lock your computer screen if you must step away from your desk
- Place documents in a drawer or file cabinet so they can't be seen by a casual observer
- Shred all papers containing student information when you no longer need those papers
- Lock your office when you leave it

To avoid violations of FERPA rules, do not...

- At any time use the entire Social Security number or ID 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, ID number, or grades as an attendance roster
- Discuss the progress of any student with anyone other than the student (including parents) without the consent of the student
- Provide anyone with student schedules or assist anyone other than College employees in locating a student on campus