*What is FERPA?*

- Family Educational Rights and Privacy Act of 1974, as amended
- Also known as the Buckley Amendment
*Who Must Comply with FERPA?*

* Educational agencies and institutions that receive funds under any program administered by the United States Secretary of Education
What does FERPA Require for Compliance?

* Protect privacy of education records
* Notify students annually of their FERPA rights
* Ensure students’ rights to inspect and review their education records
* Ensure students’ rights to request to amend incorrect education records
* Ensure students’ rights to limit disclosure of personally identifiable information in education records
* Ensure that third parties do not re-disclose personally identifiable information
* Maintain records of requests for and disclosures of student education records
* Currently and formerly enrolled students of a postsecondary institution
* Students officially registered for at least one class that has begun
* All students in attendance:
  * Continuing education students
  * Students auditing a class
  * Distance education students
  * Students participating via videoconference, the Internet, or any other technological method
* FERPA rights continue after students leave the institution and are only terminated upon student death
Who is Not Protected under FERPA?

* Applicants denied admission to the institution
* Accepted applicants who never attend the institution
What are Education Records under FERPA?

* Defined as:
  * Directly relating to the student, maintained by the educational agency or institution, or by a party acting for the agency or institution
  * Any form such as:
    * Handwritten
    * Video or audio tape
    * Print
    * Film
    * Computer media
    * Micro-film
    * Micro-fiche
    * Etc.
  * Financial including those of parents or spouse
* **What are Not Education Records under FERPA?**

* Private notes kept in sole possession of the maker, used as a memory aid, not accessible or revealed to any other person

* Law enforcement records maintained by the law enforcement unit of an educational agency or institution, used solely for law enforcement purposes, revealed only to law enforcement agencies (subject to provisions)

* Medical records created by a health care professional used only for the medical/health treatment of the student

* Grades on peer-graded papers before collected and recorded by the instructor

* Records relating to a person after that person is no longer a student at the institution (e.g. information gathered on the accomplishments of an alumni)
A school official is able to view education records if they have a legitimate educational interest defined as performing a task:

* Specified in their position description or contractual agreement
* Related to the student’s education
* Related to discipline of the student
Directory information may be released by the appropriate school official without the student’s written consent. The following are classified as directory information at Loyola University Maryland:

* Student Name
* Photo
* E-mail Address
* Home, Dorm, Local Address, Mail Stop
* Home or Local Phone Number
* Class Year
* Enrollment Status
* Participation in officially recognized activities and sports including height and weight of members of athletic teams
* Students have the right to file a written request with University (Records Office) to restrict listing of directory information in the University address directory.
* The restriction remains in effect until the student submits a written request to cancel the original request.
* If a student does not want Loyola to disclose directory information, they must notify the University annually:
  * Send a written and signed letter, within the first week of classes, to
    Records Office
    Loyola University Maryland
    Maryland Hall, Room 141
    4501 North Charles Street
    Baltimore, MD  21210
  * Send e-mail, from student @loyola.edu account, to dpeterson@loyola.edu
* **Do Not:**

* Use all or part of student Social Security Number or Identification Number, or other personally identifying information in a public posting of grades including a class/institutional website with any public posting of grades for students taking distance education (online) courses

* Leave graded exams, papers, lab reports, or other graded assignments, in a stack for students to select theirs by sorting through all student work

* Discuss student progress with anyone other than the student, including parents/guardians, without student written consent, unless the school official has a **legitimate educational interest**

* Provide anyone with student schedules or anyone other than appropriate University employees in locating students on campus

* Provide anyone outside the university with any student information

* Provide anyone with student directory information for commercial use or solicitation of products
* **Letters of Recommendation**

* Written release from the student is required when:
  * personally identifiable information obtained from student educational records are included in the recommendation such as grades or GPA. The writer must:
    * Obtain a signed release from the student which:
      * Specifies the records that may be disclosed
      * States the purpose of the disclosure
      * Identifies the party or class of parties to whom the disclosure can be made
  * Written release from the student is not required when:
    * Statements made by the person writing the recommendation are made from their personal observations or knowledge
  * Letters of Recommendation are part of the student’s education record, the student has the right to read it – unless they have waived that right of access
When a student reaches eighteen years of age or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from parent to student.

How can parents or legal guardians gain access to academic or financial records of their child?

- If student is a dependent for federal income tax purposes and parent provides proof of child’s dependency
- If student provides written consent to release non-directory information to custodial or non-custodial parent
- In divorce cases, if custodial parent provides copy of divorce decree stating non-custodial parent rights to non-directory information of child