

# \*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

# \* Who is Protected under FERPA?

- \* 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)

# \* Legitimate Educational Interest

- \* 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



# \*What is Directory Information?

\* 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
- \* email 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

# \* Restriction of Release of Directory Information

- \* 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 to  
Records Office  
Loyola University Maryland  
Maryland Hall, Room 141  
4501 North Charles Street  
Baltimore, MD 21210
  - \* Send email, from student @loyola.edu account, to [dpeterson@loyola.edu](mailto:dpeterson@loyola.edu)

# \* FERPA for Faculty

## \* 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

# \* FERPA for Parents

- \* 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