

FERPA/Student Privacy: What faculty and staff need to know

It's the Law!

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a post-secondary student (no matter the age of the student):

- To see the information that the institution is keeping on the student;
- To seek amendment to those records and, in certain cases, append a statement to the record;
- To consent to disclosure of his or her records;
- To file a complaint with the FERPA Office in Washington DC.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education; for example, financial aid.

Student Information types

Student educational records include information provided by a student for use in the educational process, such as the following:

- Personal information such as name
- Enrollment records
- Student's exams or papers
- Grades
- Schedules

Storage media for an educational record may vary and can include one or more of the following:

- Document in the registrar's office
- Electronic document or email
- Computer printout in your office
- Class list on your desktop
- Computer display screen
- Notes taken during a counseling session
- Database

Directory/Public Information

"Directory Information is . . . information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.3).

Directory Information can NEVER include:

- Social security number
- Student ID number

- Race
- Ethnicity
- Nationality
- Gender
- GPA
- Religion

Directory/Public Information is considered public and can be released without the student's written permission. *However, the student may opt to keep this information confidential. It's important to note that Los Rios, in general, rarely releases directory information to anyone other than the student. Please refer any requests for directory information to the Admissions & Records Supervisor.*

Directory Information in the Los Rios Community College District:

- Student's name
- Age
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received

How can a student withhold release of directory information?

Students may request a FERPA block on their account by completing the Request to Withhold Directory Information form in the Admissions & Records office (the form is also online).

What are parental rights under FERPA?

FERPA only allows parental access to student's educational records if the student requests in writing that private information be released to the parent(s). FERPA does not allow parental access to post-secondary student educational records without the student's permission. The Student Consent for Release of Records form is available in the A&R office or online.

It's Your Responsibility

As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student educational records in your possession.

- You have access to student information only for legitimate use in the completion of your responsibilities as a FLC employee. Need-to-know is the basic principle.
- With the exception of non-suppressed directory information, student educational records are considered private and may not be released without the written consent of the student.
- Student information stored in electronic format must be secure and available only to those entitled to access that information.
- Your access to student information is based on your role as a FLC faculty or staff member. You may not release lists or files with student information to any third party outside FLC or Los Rios.

FERPA for Faculty:

- Use the Social Security Number or any portion of it, or the student ID number, in a public posting of grades or any other information;
- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students;

- Discuss the progress of any student with anyone other than the student (including parents) without the signed, dated, and written consent of the student;
- Provide anyone with lists or files of students enrolled in your classes;
- Provide anyone with student schedules or assist anyone in finding a student on campus.
- Although you may be the one grading a student's performance, student data (e.g., grades, attendance, test scores) is owned by the college/district. It should not be stored on personal computing equipment, on the hard drives of shared computers, or on portable devices such as "flash" or "thumb" drives, or on laptop computers. Portable devices are easily lost or stolen; if they contain student data when they are lost or stolen, all student may need to be notified.

FERPA for Staff:

Obligation to release directory information - An institution is not obligated to release directory information to anyone. FERPA only says that an institution **MAY** release information, but there is no obligation to do so. When in doubt, do not release information. This is how Admissions & Records interprets FERPA.

Student workers – FERPA does not preclude an institution from identifying students as "school officials" with a "legitimate educational interest" for specific purposes. The same requirements and responsibilities for a full-time school official exist for student workers. Student workers should be trained on FERPA just as if they were faculty or staff and should sign the Employee FERPA Agreement form.

Responding to Subpoenas – If local law enforcement officials ask to see education records and have a subpoena, they cannot be refused unless the institution has a basis for doing so. At FLC, subpoenas are handled by Admissions & Records; specifically, the A&R Supervisor (the subpoena is initially served at the district office General Counsel's office then routed to the respective college(s)). When a subpoena is served on the institution, it must notify the student.

FERPA pertaining to All:

Crisis situations/emergencies –

If non-directory information is needed to resolve a crisis or emergency situation, an educational institution may release that information if the institution determines that the information is "necessary to protect the health or safety of the student or other individuals". In the case of an emergency, contact the college police at (916) 558-2221.

Maintaining security when responding to requests by students (in person, phone or email) –

Students who want to inspect and review their own records typically correspond by telephone or email. This raises security issues about individual student education records. Often, staff members of a college may not know the identity of the caller or email sender, and there may be a question regarding the authenticity of the request for records.

FERPA does not address the issue of authenticating communications with students. Most colleges have set up procedures to identify callers such as asking the caller to produce some form of non-directory information (information not easily known by other individuals and would verify the identity). **A general guideline that FLC Admissions & Records follows is that we do not provide directory information over the phone or email.**

For more information

Contact the Admissions & Records supervisor.