

# Family Educational Rights and Privacy Act (FERPA)

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# What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records:

- applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
- FERPA is enforced by the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C.

FERPA is also designed to:

- Establish the right of students to inspect and review their education records.
- Provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.
- Ensure the right to control some of the disclosure of information from education records.

# Why is this important?

It is important that every person who works with student education records understands:

- What an education record is.
- What information within that record may be disclosed.
- To whom and under what conditions that information may be disclosed.



# Education Records



## Education records include:

- graded papers
- exams
- transcripts
- student's current class schedule
- computer screen displaying student information
- database containing uniquely identifiable student record data
- email containing information about a student

## Education records do not include:

- sole possession records
- peer graded papers
- law enforcement unit records
- employment records (unless employment is based on student status)
- medical records
- alumni records

# Directory Information

FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

## Directory Information

- Name
- ID Number
- Local Address
- Permanent Address
- Email Address
- Local Telephone Number
- Permanent Telephone Number
- Dates of Attendance
- Program of Study
- Classification
- Previous Educational Agencies/Institutions Attended
- Degrees, Honors, and Awards Received
- Participation in Officially Recognized Activities and Sports



# Directory Information can NEVER include:

- Social Security Number
- Race
- Ethnicity
- Nationality
- Gender



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# Personally Identifiable Information

Personally Identifiable Information (PII) includes information that can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information.

## Examples:

- Social Security number
- date of birth
- grades
- hours completed
- GPA
- current class schedule
- parent name and address
- race/ethnicity
- gender
- country of citizenship

# Exceptions

- Legitimate educational interest/need to know
  - School officials may require the information to perform their duties.
  - Faculty are considered advisers with legitimate educational need for their enrolled students, those seeking to enroll, or those they advise.
- Lawfully issued subpoenas
- Various authorized representatives of government entities (for audits or evaluation of education programs, etc.)
- Parents of dependent students (as claimed with the IRS)
- A person for whom the student has taken appropriate steps to release information



# School Officials

Examples of a school official:

- a person employed by the university in an administrative, supervisory, academic, research, or support position (including law enforcement personnel and health staff)
- a person or company with whom the university has contracted (attorney, auditor, collection agent, third-party vendor)
- a person serving on the Board of Trust
- a student employed by the university in a position that requires access to student records.

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# Verifying Identity

## Questions for current students:

1. CUNYfirst ID
2. CUNYfirst email address on record
3. Current program of study (major) listed in CUNYfirst
4. Current mailing address
5. Permanent address
6. One (1) class the student is currently registered for at CSI

## Questions for current students who do not know their CUNYfirst ID

1. CUNYfirst user name (ex. Jane.Smith20)
2. Current program of study (major) listed in CUNYfirst
3. Current mailing address
4. High school(s) attended
5. One (1) course completed while at CSI
6. One (1) class the student is currently registered for at CSI

## Questions for former students:

1. CUNYfirst ID
2. Last mailing address on record
3. Last term or year of attendance
4. Program of study (major) listed in CUNYfirst
5. One (1) course completed while at CSI
6. High school(s) attended

Authenticate identity of student, parent or authorized user before giving personal answers or information.

Know your institution's appropriate identification verification questions.

Questions for Current Students	Questions for Former Students	Questions for current students who do not know their CNM ID
<ol style="list-style-type: none"> <li>1) CNM ID</li> <li>2) MyCNM User Name (CNM email address username on Record)</li> <li>3) Current Program of Study(major)</li> <li>4) Current Mailing Address</li> <li>5) Permanent Address</li> <li>6) One (1) class the student is currently registered for</li> </ol>	<ol style="list-style-type: none"> <li>1) CNM ID</li> <li>2) Last Mailing Address</li> <li>3) Last Term or Year Attended</li> <li>4) Program of Study(major)</li> <li>5) One (1) CNM Course Completed</li> </ol>	<ol style="list-style-type: none"> <li>1) My CNM User Name</li> <li>2) Current Program of Study (major)</li> <li>3) Current Mailing Address</li> <li>4) High School(s) Attended</li> <li>5) One (1) CNM Course Completed</li> <li>6) One (1) class the student is currently registered for</li> </ol>

# FAFSA Data doesn't belong to the student

- Any answers on the FAFSA required to calculate Estimated Family Contribution (EFC)
- Any information on the Institutional Student Information Record (ISIR) used to determine award eligibility
- Any financial aid awarding and disbursement data resulting from the FAFSA, EFC and ISIR answers and information
- Information contained in the Common Origination and Disbursement System (COD) is similarly protected as the FAFSA data

# Privacy Act

- The Privacy Act generally refers to collecting information directly from the Department of Education.
- Expects that any release of information is being used for the reason it was collected.
- Cannot give out any information without de-identifying the data and assuring that it will only be used for statistical purposes.



# If you handle student information... You have a data management role.

Do you share student information with internal or external individuals on behalf of the university?


- Is the recipient of that information aware of student privacy laws?
- Is the recipient a school official, and do they have a legitimate need to access the information?
- Are safe data-handling practices in place when sharing the information?

Do you manage a department system containing student information?

- Are users aware of student privacy laws?
- Have users taken the FERPA tutorial?
- Does their training include safe practices for handling data?

# Best Practices

- Use secure tools provided by the institution
- Do not send restricted information via email (SSN, etc.)
- Do not place identifying information together
- Do not store student education data on personal computers or flash drives
- Use VPN for secure remote access
- Access only the information needed to do your job



## Which answer best identifies the legal protections give to a students educational records under FERPA?

- A. Faculty and staff generally may not see a students educational records without first identifying a legitimate educational interest or one of the other exceptions under which records may be reviewed
- B. The student has a right to access and review his/her records
- C. All education records are confidential (except directory information in most cases) and may not be disclosed unless the student consents or the request fits one of the exceptions
- D. All of the above



A parent calls and asks you to let them know what grade the student has received on an exam. What should you do?

- A. Tell the parent the grade, because parents have a automatic right to access their children's educational records.
- B. Tell the parent to have their child request the information to be sent to them
- C. None of the Above






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# True or False

The parent of a 16 year old dual credit student from the local high school calls asking for the final grade the student made in the course. Since the student is a dual credit student and still in high school, where the parent shares the FERPA rights with the student, you can provide this information.

# Yes or No



You receive an email from a student asking about specific educational information. The email address is [tx\\_rangers#1fan@gmail.com](mailto:tx_rangers#1fan@gmail.com). Can you provide the information?

You receive an e-mail from oaklandathletics#1fan@yahoo.com asking for registration dates and course offering information. You reply to the email with the requested information. Has a FERPA violation occurred?

# True or False

A student's spouse calls asking for his wife's schedule. He has the student ID, the SSN, and the date of birth. With this combination of information, you can provide him with the requested items.

# True or False

Zarah requested that her school withhold her directory information. Instructors now cannot call her name out loud when taking attendance nor can they include her name on an attendance roll sheet that is passed around.



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# Resources

- [FinAid: FERPA and Financial Aid](#)
- [University: Example of How to Verify Identity](#)
- [Community College: Example of How to Verify Identity](#)
- <https://studentprivacy.ed.gov/ferpa>