



Navigating the Maze: FERPA Compliance Demystified

Maureen Anderson
Financial Aid Services

Christina Heritage
Southeastern University



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What Is FERPA?

- It is a Federal law: the Family Educational Rights and Privacy Act, and federal regulations - (34 CFR Part 99).
- It gives right to students enrolled at an educational institution to:
 - Inspect, review and request amendments to errors in their “Education Records”;
and
 - Give their consent before their Education Records are used or disclosed unless a specific FERPA exception applies.
- FERPA contains specific exceptions which allow the institution to use or disclose an Education Record without the students’ consent.



FERPA Compliance Demystified

Knock knock
Who's there? ~FERPA

FERPA who?

Sorry, I can't tell you
that....

somee cards
user card





How Important *IS* FERPA Compliance?

- Penalties
- Loss of federal funding

- Fines (per violation, to individual employees)

Compliance



Family Educational Rights & Privacy Act of 1974

PROTECTS PRIVACY

Protects privacy of student educational records endows students with rights to their records

WHO MUST COMPLY? **Anyone** who has access to student records (employees, volunteers, contractors).

WHO IS COVERED?

Students who are or have been in attendance
Rights begin when student has matriculated

WHO IS NOT COVERED?

Applicants who are denied admission
Applicants who never attend



Education Records

What they are:

- All records that directly relate to a student
- Maintained by the institution
- Can be in any form:
 - Handwritten
 - Print
 - Type
 - Film
 - Electronic
 - Etc.

What they are NOT:

- Personal notes
- Law enforcement records
- Employment records (non work-study)
- Medical records
- Alumni Records



What is FERPA Information

For purposes of this training, Education Records and Personally Identifiable Information is referred to as “FERPA Information”.

- FERPA limits both the “Use” and “Disclosure” of FERPA Information:
 - “Use” is any access to FERPA Information an employee, volunteer or contractor
 - “Disclosure” is the granting of access to FERPA Information to a third party outside of the institution.
- FERPA also applies to information disclosed **verbally** if the information was originally obtained from an Education Record (i.e., an employee reads a student transcript and then tells a family member what grade a student receives).

INFORMATION SUBJECT TO FERPA

EDUCATION RECORDS

“Education Records” are defined by FERPA as any records which...

- contain information directly related to a student who is, or was in attendance at an educational at an institution; and
- are maintained by the institution, or by a party acting for institution (i.e.. Third-party servicer).

EDUCATION RECORD INCLUDE:

- ALL records in any format including: emails to, from, or about a student maintained by a faculty or staff member in a personal or private email account, test papers, essays, computer records, tracking information from a card swipe, film, photos, videos, audio tape, records of disciplinary hearings, application files of any individual enrolled or previously enrolled as a student.
- Personally Identifiable Information: Information obtained from Education Records that, alone or combined with other information, can be used to identify a student.

What is NOT an Educational Record

- Information that is personally observed by a staff or faculty member;
- Records created and maintained by a law enforcement unit solely for law enforcement purposes;
- Employment records of individuals who are employed in a job that does not require student status and can be filled by any person;
- Medical records made and maintained about treatment provided to students by a health care provider including Student Health and Counseling Services;
- Application files of individuals who do not enroll as students;
- Financial information about a student's parent or guardian;
- A record from which all Personally Identifiable Information has been removed such that the record cannot be used alone, or in combination with other information, to identify a student to whom the record pertains; and
- Records that only contain information about alumnus not connected with the alumnus' attendance as a student.



Who is a Student?

Any individual who is or was “in attendance” at the institution.

Each institution may have a different definition of “student”. Check your institutional policy.



Differences in FERPA

- At the K-12 level, FERPA provides parents of students under the age of 18 the right to review their children's Education Records and to give consent to access and to the release of the records in the absent of an exception.
- At the University level, this right transfers to the student, even if the student is under the age of 18 and/or the parent is paying the student's tuition.
- Add info. about parents able to complete FAFSA/ income, etc.

What Information Can be Released?

**YOUR INSTITUTION'S DEFINITION OF DIRECTORY INFORMATION
(check your institutional policy – should be on the web and in the catalog)**

Examples of information that can be released with or without written consent

Student Name
Address (home, campus, & email)
Telephone
Dates of attendance
Classification (Fr, So, Jr, Sr)
Previous institutions attended
Photos
Major field
Awards
Honors (including honors lists)
Degree(s) conferred (including dates & any graduation honors)
Past & present participating in officially recognized sports & activities
Physical factors (height/weight of athletes)

Examples of Exclusions

Student ID#
Social security number
Ethnicity/Race/Nationality
Gender
Financial status or information
Grades or GPA
Class lists
Student schedule
Class attendance
Student life information



Who Can Access Student Information Without Consent?

- School officials with **legitimate** educational interest - a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility
- Other schools to which a student is transferring
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- School officials to comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific State law

Parents have the right to obtain ONLY directory information without the student's written consent.



Disclosure of Records

Under FERPA, a school generally may not disclose PII from an eligible student's education records to a third party unless the eligible student has provided prior written consent. **Even with the prior written consent of an eligible student, a school is not required by FERPA to disclose PII from education records to third parties.**

There are several exceptions to FERPA's general consent requirement. Under these exceptions, schools are ***permitted*** to disclose PII from education records without consent to a third party, but they are ***not required*** to do so by FERPA.



Dependent Student Exception

FERPA provides ways in which a school may share, without the consent of an eligible student, education records of the eligible student with their parents. Schools *may, but are not required to*, disclose any and all PII from education records to parents, without the consent of the eligible student, if the student is a “dependent student,” as that term is defined in Section 152 of the Internal Revenue Code. Generally, if either parent has claimed the student as a dependent on the parent’s most recent income tax return, a school may disclose the student’s education records to either parent, without the eligible student’s consent.



Student (Past & Present) Rights under FERPA

Students have the right to:

know where education records are kept.

inspect their education records.

have records amended if necessary.

file a complaint with the U.S. Department of Education if they feel their rights are being violated.

expect that their education records are kept confidential except where special provisions are made.

suppress the disclosure of directory information to outside agencies or named individuals.

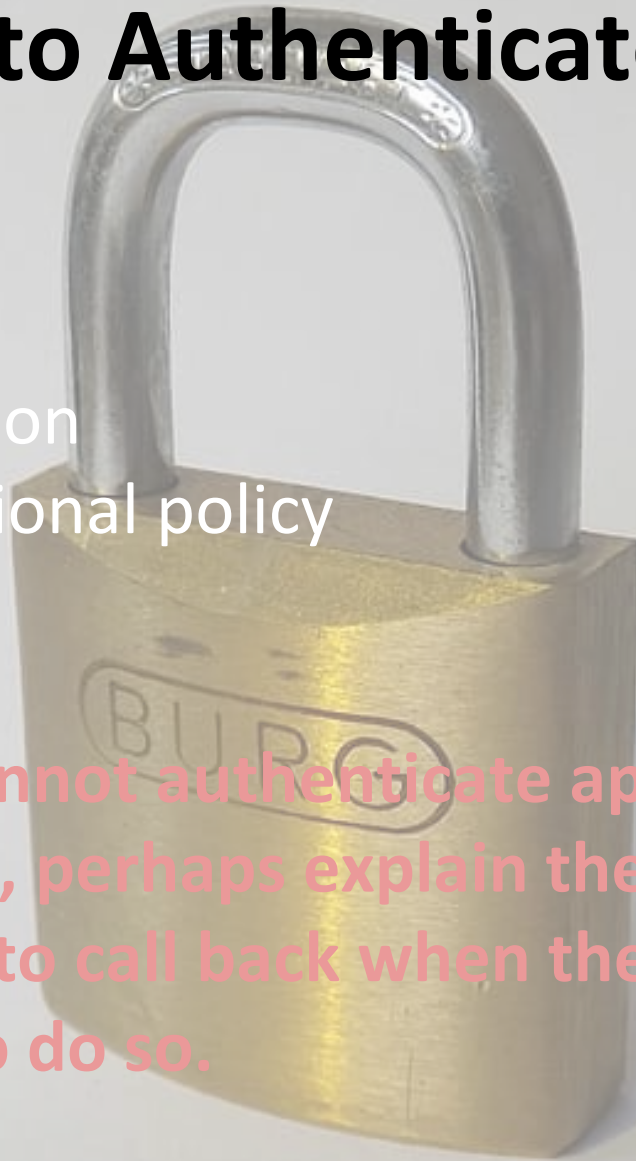


How to Comply with FERPA in the Student Information System

- Restrict access to a need-to-know or need-to-work basis for all staff, faculty, and administration (when in doubt, ask a Director). Restrict the use of “look up by name”.
- Records should only be used in the context of official business (don’t be looking at records that don’t apply to the work you’re doing).
- Shred documents with student information on them (don’t throw them in the trash).
- Do not leave confidential information displayed on an unattended computer. Lock your computer whenever you step away from your desk, even for a minute.
- Cover or put away papers that contain confidential information if you are stepping away from your desk or have a student/parent at your desk.
- Do not provide anyone with student schedules or lists of students enrolled in classes outside without supervisor approval.
- Ask supervisor before you provide information you are unsure about or write a letter of recommendation that states grades, aid, or other non-directory information.

How to Authenticate a Caller

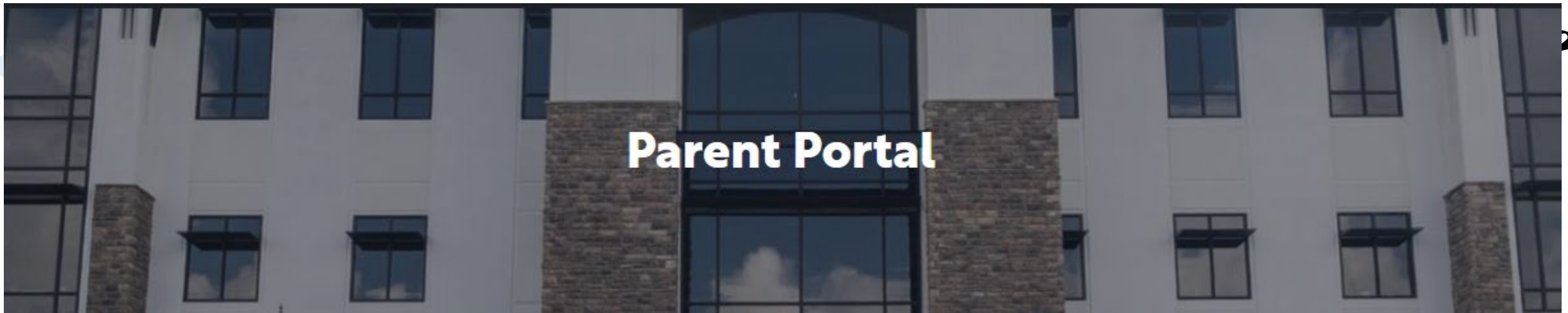
- Group Discussion
- Follow institutional policy
- If the caller cannot authenticate appropriately, express regret, perhaps explain the reasons, and ask them to call back when they have the information to do so.**



**WHAT DO YOU MEAN I CANT
HAVE ACCESS TO THE RECORDS?**



I PAY THE BILL!



Do you use a Parent Portal?

Remember, the student is responsible for ensuring authorized callers have the pin/password.

They should be informed of their rights and responsibilities when completing the Parent Portal consent form.

Do NOT Release Grades

It's best practice to not release of grades to ANY caller over the phone.

ASSIGNMENT: Homework CLASS: B1111 NAME: _____

Students may retrieve their grades from their unofficial transcript or from the Registrar's Office.

Question 1:

Question 2:

Question 3:





Remember... avoid “financial aid speak”

“You don’t have FERPA, so I can’t share that information with you.”

Federal law prevents us from sharing that information with you without your student’s written consent. I do not see that the student has provided consent, but I’d be happy to share the information you’ve requested directly with him/her.

I can also email your student with the link so they can provide consent if they choose to. Thanks for understanding our responsibility to keep students’ information be kept private.

Parents/students don't speak FERPA.



What do you do if you're not sure?

Do not guess. Do not assume. Do not feel pressured to respond quickly.

- Seek guidance from your supervisor, Registrar, an administrative official at the institution.
- Read the institutional policy and familiarize yourself with the policy.
- Generally, each institution has an appointed FERPA official whose responsibility is to ensure the institution is compliant. Determine who that person is and know who to reach out to if you need assistance.



EXAMPLES

For example, a requestor asks for the Directory Information about all students who have a GPA under 2.5. If the school releases the requested Directory Information, this will reveal to the requestor that each of these students has a GPA of less than 2.5.

Is that a FERPA violation?

What would you do?

Student's parent calls with questions about their Parent PLUS loan. Student has not given consent to share financial information.

What do you say to the parent?

Sam Student has a balance due from summer term that is preventing him from registering for Fall. Sam's dad calls to ask what the balance of Sam's account is so he can pay it off and Sam can register for Fall. Sam's dad is the parent on the FAFSA. Sam has not provided FERPA consent for anyone.

What do you say to Sam's dad?

Sam's dad is really angry because he ALWAYS pays the bill and Sam is being unresponsive to his text messages. He just wants to pay the balance so his son can register, for Pete's sake.

How do you respond?

Skylar is not meeting SAP and she has lost eligibility for federal student aid. Skylar's mom calls to ask what SAP is and why her daughter is no longer eligible for aid. Skylar has not provided permission for us to share information with her mom.

How do you respond?

Lydia is not meeting SAP and is no longer eligible for federal aid. Lydia has provided FERPA consent to her father, but it's her mother on the phone. Mom knows the FERPA password and wants information about Lydia's grades and next steps to regain eligibility.

How do you respond to Lydia's mom?

Dr. Geller is a professor in the College of Business, Communication & Leadership and is a mentor to Lisa (3rd year undergrad student). Dr. Geller is mentoring Lisa about stewardship and requests information about Lisa's student account balance, student loan history and a cost estimate for the next semester. Dr. Geller doesn't have FERPA permission, but is a faculty member.

How will you respond to Dr. Geller's request?

Your questions or scenarios to review?



For more information:

FERPA 101 Course - <https://studentprivacy.ed.gov/training/ferpa-101-colleges-universities>

Additional Online Courses - <https://studentprivacy.ed.gov/content/online-training-modules>

[Information about Parent Portal Access](#)

[U.S. Department of Education - Protecting Student Privacy](#)

U. S. Department of Education - Protecting Student Privacy – Guidance
<https://studentprivacy.ed.gov/guidance>

[FL Department of Education - FERPA Information for Parents](#)















