

# Family Educational Rights and Privacy Act

CONCORDIA UNIVERSITY TEXAS

# What is FERPA?

## The Family Educational Rights and Privacy Act

- is a Federal law that protects the privacy of student education records.
- gives parents certain rights with respect to their children's education records.
- Transfers these rights to the student upon reaching the age of 18 or attending a school beyond the high school level.



# What are some of these rights?

- To inspect and review the student's education records maintained by the school;
- To request that a school correct records which are believed to be inaccurate or misleading;
- The right to have some control over the disclosure of information from these records; and
- To file complaints against the school for disclosing educational records in violation of FERPA



# Who enforces FERPA?

- The U.S. Department of Education is designated as both the administrator and enforcer of the Family Educational Rights and Privacy Act.
- The Family Privacy Compliance Office (FPCO), a unit of the U.S. Dept. of Ed., is charged with issuing guidance and with investigating complaints regarding FERPA violations



# At Concordia University Texas

The Office of the Registrar is primarily responsible for enforcing FERPA.

However, everyone employed by Concordia University Texas plays a role in protecting your academic records.





# FERPA Definitions

- **Eligible student** – an individual enrolled at an educational institution who has reached 18 years of age or is attending an institution of post-secondary education



- **Parent** – natural parent, guardian, or individual acting as a parent in the absence of a parent or guardian

- **Personally identifiable information** – includes but is not limited to student's name; name of student's parent or other family member; address of student or family; personal identifiers (i.e. social security number or student i.d.); personal characteristics that would make the student's identification easily traceable; or other information that would make the student's identity easily traceable.

# FERPA Definitions

- **Education records** - records that directly relate to a student and are maintained by an educational agency/institution or by a party acting on behalf of the agency/institution
- **Record** – any information recorded in any way (i.e. hand written documents, print, computer media, video or audio tape; film, and/or microfiche)
- **Educational agency or Institution** – any public or private agency or institution that provides education services or instruction, or both, to students



# Permission to Release

As a general rule, schools must have written permission from the eligible student in order to release any personally identifiable information from the student's education records.

The exception to this general rule is information determined by the Institution to be "Directory Information" or in a situation determined to be an emergency.





# Directory Information

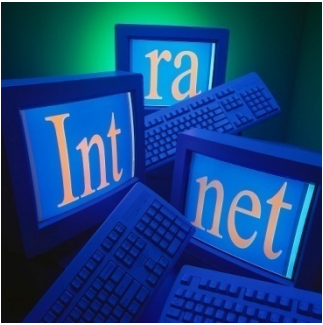
What is it?



Directory information is student information that may be disclosed without consent

## EXAMPLES OF DIRECTORY INFORMATION

- Name
- Address
- Phone number
- Email address
- Photograph
- Enrollment status
- Grade level
- Date and place of birth
- Major field of study
- Dates of attendance
- Participation in officially recognized activities and sports
- Degrees, honors and awards received
- Most recent institution attended



Schools must publish their policy about the release of directory information in order to give students adequate time to request that this information not be disclosed.

# What is “FERPA block” and the implications of choosing it?

A FERPA block is instituted when a student requests that no information be released.

## **Cautionary Warning:**

If FERPA block is chosen:

Registrar cannot verify attendance of student to: employers, insurance companies, etc. It remains in effect until student removes it (even following graduation).

If a FERPA block is not removed before graduation:

The Registrar cannot confirm graduation or degree received therefore student's name will not appear in the Commencement program.

# HOWEVER,

FERPA allows schools to disclose those same records without consent to the following parties or under the following conditions

- To school officials with legitimate educational interest;
- 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
- 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

# Who has “Legitimate Educational Interest?”

Those employees of educational institutions for whom access to students’ personally identifiable information is necessary for the performance of their officially assigned duties. The responsibility lies with the individual educational institution to define the scope of “legitimate educational interest.” This definition must be readily available and communicated to the organization and general public.





# Examples From Concordia University Texas of who has Legitimate Educational Interest

➡ President

➡ Registrar

➡ Financial Aid

➡ Academic Dean

➡ NCAA Cert. Official

➡ Appeals Committees

➡ Advisor

➡ Honor Societies

➡ Coaches

➡ Success Center

➡ Accounting

➡ Admissions

(Other Individuals as Assigned)



# Your Responsibility

- In most circumstances, you as a student at Concordia University Texas are now responsible for granting access to your educational records.
- If you decide to grant access to a third party, you must complete and sign a FERPA waiver form specifically naming those individuals who will have that privilege.
- The completed and signed form must be returned to the Registrar's Office and will become a part of your permanent record.
- The FERPA waiver form can be found at [http://www.concordia.edu/page.cfm?page\\_ID=121](http://www.concordia.edu/page.cfm?page_ID=121)

# Resources

- U.S. Department of Education - <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- Family Policy Compliance Office - <http://www.ed.gov/policy/gen/guid/fpco/index.html>
- American Association of College Registrars and Admission Officers - [www.aacrao.org](http://www.aacrao.org)