

# Family Educational Rights and Privacy Act (FERPA) Tutorial



**VCU**

# What is FERPA (Family Educational Rights and Privacy Act of 1974) as amended?

FERPA is a federal law governing the privacy of educational records. It applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education. It grants specific rights to students and sets restrictions on how schools may handle educational records. FERPA requires that schools obtain written permission from students before releasing educational records. In certain well-defined circumstances, some information may be released without written permission from the student.

## **FERPA gives each student the following rights:**

- The right to access educational records kept by the school.
- The right to seek amendment to those records.
- The right to consent to any disclosure of those records.
- The right to file a complaint with the Family Policy Compliance Office, U. S. Department of Education, in Washington, D.C.

# What is an educational record?

- Records such as email, microfilm, microfiche, notes, computer printouts, handwritten documents or any documents that contain information directly related to the student and are maintained by an agency, institution or party acting on its behalf are considered educational records.

Educational records do not include:

- Records in sole possession of the maker not accessible or revealed to any other person (NOT kept in student advising folders)
  - Medical records
  - Employment records when employment is not contingent upon being a student
  - Law enforcement records
  - Statistical data compilations that contain no mention of personally identifiable information about any specific student
- FERPA allows colleges and universities to classify part of the educational record as "directory" information. Normally schools may disclose directory information without the written consent of the student.

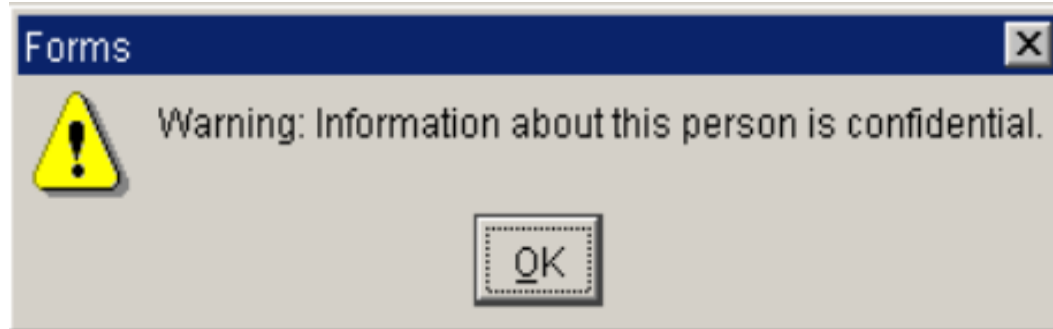
# What is directory information at VCU?

- Student name
- Date admitted
- Birth date
- Semesters of attendance
- Major(s)
- Minor(s)
- Specialization
- School
- Full or part time enrollment status
- Classification (freshman, sophomore, etc.)
- Degree sought
- Honors and awards
- Degrees and dates received
- Participation in officially recognized intercollegiate sports, weight, height, hometown, parents' names and previous school(s) attended (for members of athletic teams)
- Photograph

# How can a student request that directory information be withheld?

**Students have the right to require that directory information about them not be disclosed.**

A student must submit a written request to suppress any or all directory information to the VCU Office of Records and Registration. The request may be submitted at any time and will remain valid until the student rescinds it. If a student has requested that we not release directory information, university personnel will respond to inquiries as follows: **"There is no information available for any student by that name."**



In Banner, the first time you attempt to access a student who has requested a directory hold, you will see the above message. However, subsequent forms using that same record show only the **confidential** marker in the upper left hand corner. When working with student data, carefully examine records and computer screens for any indication that the information is confidential.

# What rights do parents have under FERPA?

- When a student reaches the age of 18 or begins attending a postsecondary institution regardless of age, FERPA rights transfer from the parent to the student.
- Parents may obtain directory information without the student's consent.
- Parents must complete the FERPA Parent Consent form to have access to non-directory information such as grades, and must present a copy of their most recent federal tax form showing the student as a dependent.
- If the student is not claimed as a dependent, parents may have access only with permission of the student. The student should complete a FERPA Student Consent form.
- The Parent and Student FERPA forms are available on the Records and Registration website: <https://rar.vcu.edu/forms/>

# Protecting a student's privacy

Who is responsible?

You!

If you have access to student data, you are responsible for its proper handling. No matter what the form or content, you are accountable for handling student records in accordance with the law and university policy.



# Access to student records

FERPA requires that anyone accessing private student records have a "legitimate educational interest" in the information. According to FERPA:

- Student data may be used only as required for fulfilling officially assigned university responsibilities.
- Student data may be shared among university staff as necessary to carry out those responsibilities; however, do not use email to share student data unless it is encrypted.
- Private information must not be released to third parties outside of the university, including parents of students.

# Freedom of Information Act (FOIA)

Some university records are subject to the Virginia Freedom of Information Act. The Virginia Freedom of Information Act (FOIA), guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

Do not confuse this with a right to access student educational records. Student educational records are protected by FERPA, and their privacy is not impacted by FOIA. **FOIA does not grant anyone the right to view a student's private educational record.**

# Annual notification

FERPA requires universities to provide students with annual notification of these rights. Virginia Commonwealth University's annual notification appears in the university bulletin. Students also receive notification of these rights via email.

# Avoid FERPA violations

To avoid violations of FERPA rules, DO NOT:

- link the name of a student with that student's Social Security number or student ID number in any public manner.
- leave graded tests in a stack for students to pick-up that requires sorting through the papers of all students.
- circulate a printed class list with student names, Social Security numbers or student ID numbers as an attendance roster.
- discuss the progress of any student with anyone other than the student without the consent of the student.
- post student contact information (email address, mailing address, phone number) to public websites.
- post student contact information to private websites (including course management systems) that can be accessed by non-school officials (including other students).
- email groups of students unless using the “bcc” field or an email listserve.

# QUIZ: Question 1

If a student's parent calls asking how a student is doing in school, can you give out that information?

YES or NO

# The correct answer is NO

- Even though the person inquiring may be the student's parent, FERPA recognizes students in post-secondary education as adults, regardless of age. Therefore, you cannot give out any grades, or any other non-directory information.
- You must assume that the student is an adult who is entitled to privacy, even from parents. Parents may assert their rights to the records if the student is their dependent according to the tax code but must do so by submitting a FERPA Parent Consent form to the Office of Records and Registration.

## Quiz: Question 2

You receive a call from a recruiting firm asking for names and addresses of students with a GPA of 3.0 or better. They say they have job information for these students. Can you help these students get jobs by giving out this information?

YES or NO

# The correct answer is NO

- While we all want to help students to get jobs, we cannot honor this request.
- Do not give out student information that pertains to grade point average or addresses to anyone without prior written consent of the student. You may refer the recruiting firm to VCU Career Services.



## QUIZ: Question 3

You get a frantic phone call from an individual who says that he is a student's father and must get in touch with her immediately because of a family emergency. Can you tell him when and where her next class is today?

YES or NO

# The correct answer is NO

- For the safety of the student, you cannot tell another person where a student is at any time. Inform the caller that they should contact the Division of Student Affairs for assistance.

## QUIZ: Question 3

An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution responsible?

YES or NO

# The correct answer is YES

- Information on a computer screen should be treated the same as printed reports.

# Comments/Questions

Please address all comments or questions to:

Virginia Commonwealth University

Records and Registration

[rar.vcu.edu](http://rar.vcu.edu)

[rar@vcu.edu](mailto:rar@vcu.edu)

Harris Hall, First Floor

1015 Floyd Avenue

Box 842520

Richmond, Virginia 23284-2520