

What is FERPA?

FERPA is the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. Statute: 20 U.S.C. 1232g; Regulations: 34CFR Part 99. The intent of the Act is to protect the rights of students and to insure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

What rights does FERPA afford students with respect to their education records?

- The right to inspect and review their education records.
- The right to request an amendment to the student's education records that the student believes are inaccurate or misleading.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the United States Department of Education concerning alleged failures.

Who is protected by FERPA?

Those protected by FERPA are students who are or have been in attendance at the institution, in person or by correspondence, regardless of their age or status in regard to parental dependency. Students who have applied to but have not attended an institution, and deceased students, do not come under FERPA guidelines.

What is an education record?

An "education record" is any record that is:

- (1) directly related to a student; and
- (2) maintained by an educational agency or institution, or by a party acting for the agency or institution.

This includes any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

What is not considered an education record?

- Sole possession records or private notes held by a school official that are not accessible or released to other personnel;
- law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;
- records relating to individuals who are employed by the institution (unless the employment is contingent on their status as a student);
- records relating to treatment provided by a physician, psychiatrist, psychologist; or other recognized professional and disclosed only to individuals providing treatment; and
- records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution, i.e. alumni records.

What is directory information?

"Directory Information" may be released to third parties without the consent of the student, unless the student has signed and submitted a "Restriction of Release of Directory Information" form. At Missouri S&T, directory information includes:

- student's name
- e-mail address
- address and telephone listing (including local and permanent address)
- major field of study
- participation in officially recognized activities and sports
- dates of attendance
- degrees and awards received
- the most recent previous educational institution attended by a student
- student level
- full- or part-time status

Who may have access to students' education records?

- The student and any outside party who has the student's written consent;
- school officials who have "legitimate educational interest";
- a person in response to a lawfully issued subpoena or court order, as long as the college first makes a reasonable attempt to notify the student.

When is the student's consent not required to disclose information?

When the disclosure is:

- to school officials who have a legitimate educational interest;
- to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs;
- in connection with financial aid;
- to organizations conducting studies on behalf of educational institutions;
- to accrediting organizations;
- to comply with a judicial order or subpoena;
- in a health or safety emergency;
- releasing directory information;
- releasing the results of a disciplinary hearing to an alleged victim of a crime of violence.

FERPA Tips:

- Faculty and staff have access to students' education records only for legitimate educational purposes in completion of their responsibilities as a University employee.
- If a University employee is ever in doubt, he or she should not release any information from student records without first contacting the Office of the Registrar for guidance.

- Grades may not be released in any form to third parties, without written consent, and should not be posted in any form that would make the students' identity easily traceable. This includes posting grades by Social Security Number or Student Identification Number. Grades should only be posted using a randomly assigned identifier.
- University employees may not discuss the grades or academic progress of a student with that student's parents, or any other third party, without the written consent of the student. In addition, University officials may not provide confidential information to a student's spouse without the written consent of the student.

If I have questions, who should I contact?

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More information on
FERPA may be found on the web at:
<http://registrar.mst.edu/ferpa/>
<http://www.ed.gov/policy/gen/guid/fpc/ferpa>



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