

# **FERPA Compliance: Protecting the Privacy of Student Education Records is Everyone's Responsibility**

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# What is FERPA and to Whom Does It Apply?

- Abbreviation for “Family Educational Rights and Privacy Act”.
- To protect the privacy rights of student educational records
- Applies to currently enrolled or formerly enrolled students
- Applies to all institutions receiving Department of Education funds

# What Rights Does FERPA Afford Students?

- Inspect and review their academic record
- Request an amendment to their academic record believed to be inaccurate or misleading or a violation of privacy rights and request a hearing if amendment is not granted
- Consent to disclosure of personally identifiable information
- Know what their institution designates as directory information and the right to request suppression of release
- Know school officials may access records and know the criteria used for determining whether a school official has a legitimate need to access the information
- File a complaint with the Family Policy Compliance Office in the U.S. Department of Education

# What are Education Records?

**Education records are defined as records that are:**

- Directly related to a student
- Maintained by an educational agency or institution

# What are Education Records?

- Anything maintained by the institution is covered under FERPA.
- Students have the right to view the information.
- *Keep this in mind as you are documenting communications and discussions with students.*

# Technology and Security Limitations

- The “calhoun.edu” emails provided by the College are protected by institutional login and password authentication.
- This protection does not exist with personal gmail or yahoo email accounts.

# Technology and Security Limitations (cont.)

- ALL official College communications must be sent through secure “calhoun.edu” email accounts.
- Faculty cannot share grades and academic information through non-Calhoun email accounts. Doing so may cause students to miss out on important communications from other areas of the College.

# Education records are NOT:

- Sole possession records
- Law enforcement records maintained by the Security Office
- Employment records if the position does not require the person to be a student
- Medical records



# Education records are also NOT:

Information about a student learned through personal communications that are not written down. This may include personal information – family situation, personal challenges, other life circumstances. Although private information, it is not covered under FERPA unless and until it becomes “maintained” by the College.

**IMPORTANT:** If you are concerned a student’s behavior suggests they may be a threat to themselves or others, FERPA does NOT prevent sharing your concerns with the appropriate party.

# There are two types of information in education records:

- Directory
- Non-Directory

# There are two types of information in education records:

- Directory Information is generally considered not harmful or an invasion of privacy if disclosed. This information *may* be shared unless suppression is requested.
- Non-Directory Information – Cannot be shared with others without written permission from the student.

# Directory Information at Calhoun College:

- Name
- Address
- Email Address
- Telephone Number
- Date of Birth
- Place of Birth
- Major Field of Study
- Dates of Attendance
- Class Standing (freshman/sophomore)
- Degrees, Honors and Awards Received
- Enrollment Status (Full/Part Time)
- Most Recent Educational Agency or Institution Attended

# Student's Right to Opt-Out

- Students have the right to request that Calhoun not provide Directory Information to third parties, without their *prior written consent*.
- Opt-out requests should be made in person in the Admissions and Records Office.

# Prior Written Consent

- Calhoun Community College shall obtain prior written consent before disclosing non-directory, personally identifiable information from a student's educational record (*except under those circumstances allowed by FERPA*). The prior written consent must include the following information:
  - The educational record to be released;
  - The person/institution to whom the record should be sent;
  - The consent must be signed and dated by the student.

# Consent Exception

There is an *exception* to obtaining prior written consent:

FERPA protected information may be provided to “***school officials***” who have a “***legitimate educational interest***” in the information.

# Who is a “School Official”?

## **A school official is:**

A person employed by the College in an administrative, supervisory, faculty, or support staff position, auditors, collection agency, Board of Trustees member, National Student Clearinghouse, a student serving on an official committee (a student serving as part of the disciplinary committee)



# What constitutes a “legitimate education interest” on the part of a “school official”?

**A school official has a legitimate educational interest to an educational record if access is needed for them to perform a task:**

- Fulfill professional responsibilities for the College;
- Specified tasks in their position description or contract agreement;
- Related to a student’s education;
- Related to the discipline of a student;
- Maintain the safety and security of the campus

# What does this mean to you?

- Faculty advisor - access to your advisees' education records, but not those of non-advisees.
- Academic advisor - access to all students' education records.
- Staff employee - access to information needed to complete your position responsibilities.
- Never “peruse” student data out of curiosity.
- Do not discuss student information with anyone unless both parties have legitimate educational interest.

## What does all this mean to you? (cont.)

- Do not discuss personally identifiable information in public.
- Never share student information with other students.  
Never post grades in a way other students could access them.
- Do not leave grade materials in a common area for student pick up.
- Never share a student's Social Security Number, Student ID Number, or Race/Ethnicity information.

# For More Information

Finally, if you would like more detailed information on FERPA, please visit the following website:

## **Family Policy Compliance Office (FPCO)**

<https://www2.ed.gov/policy/gen/guid/fpc/index.html>