

WHAT IS FERPA?

- Family Educational Rights and Privacy Act of 1974, as amended
- Also known as the Buckley Amendment

WHO MUST COMPLY WITH FERPA?

- Educational agencies and institutions that receive funds under any program administered by the United States Secretary of Education

WHAT DOES FERPA REQUIRE FOR COMPLIANCE?

- Protect privacy of education records
- Notify students annually of their FERPA rights
- Ensure students' rights to inspect and review their education records
- Ensure students' rights to request to amend incorrect education records
- Ensure students' rights to limit disclosure of personally identifiable information in education records
- Ensure that third parties do not re-disclose personally identifiable information
- Maintain records of requests for and disclosures of student education records

WHO IS PROTECTED UNDER FERPA?

- Currently and formerly enrolled students of a postsecondary institution
- Students officially registered for at least one class that has begun
- All students in attendance:
 - Continuing education students
 - Students auditing a class
 - Distance education students
 - Students participating via videoconference, the Internet, or any other technological method
- FERPA rights continue after students leave the institution and are only terminated upon student death

WHO IS NOT PROTECTED UNDER FERPA?

- Applicants denied admission to the institution
- Accepted applicants who never attend the institution

WHAT ARE EDUCATION RECORDS UNDER FERPA?

- Defined as:
 - Directly relating to the student, maintained by the educational agency or institution, or by a party acting for the agency or institution
 - Any form such as:
 - Handwritten
 - Video or audio tape
 - Print
 - Film
 - Computer media
 - Micro-film
 - Micro-fiche
 - Etc.
 - Financial including those of parents or spouse

WHAT ARE NOT EDUCATION RECORDS UNDER FERPA?

- Private notes kept in sole possession of the maker, used as a memory aid, not accessible or revealed to any other person
- Law enforcement records maintained by the law enforcement unit of an educational agency or institution, used solely for law enforcement purposes, revealed only to law enforcement agencies (subject to provisions)
- Medical records created by a health care professional used only for the medical/health treatment of the student
- Grades on peer-graded papers before collected and recorded by the instructor
- Records relating to a person after that person is no longer a student at the institution (e.g. information gathered on the accomplishments of an alumni)

LEGITIMATE EDUCATIONAL INTEREST

- A school official is able to view education records if they have a legitimate educational interest defined as performing a task:
 - Specified in their position description or contractual agreement
 - Related to the student's education
 - Related to discipline of the student

WHAT IS DIRECTORY INFORMATION?

- Directory information may be released by the appropriate school official without the student's written consent. Faculty can check with the Records Office to determine whether a student has a block on the release of directory information.
- The following are classified as directory information at Loyola University Maryland:
 - Student Name
 - Photo
 - email Address
 - Home, Dorm, Local Address, Mail Stop
 - Home or Local Phone Number
 - Class Year
 - Enrollment Status
 - Participation in officially recognized activities and sports including height and weight, of members of athletic teams

RESTRICTION OF RELEASE OF DIRECTORY INFORMATION

- Students have the right to file a written request with University (Records Office) to restrict listing of directory information in the University address directory.
- The restriction remains in effect until the student submits a written request to cancel the original request.
- If a student does not want Loyola to disclose directory information, they must notify the University annually:
 - Send a written and signed letter to
Records Office
Loyola University Maryland
Maryland Hall, Room 141
4501 North Charles Street
Baltimore, MD 21210
 - Send email, from student @loyola.edu account, to dpeterson@loyola.edu

FERPA FOR FACULTY

■ Do Not:

- Use all or part of student Social Security Number or Identification Number, or other personally identifying information in a public posting of grades including a class/institutional website with any public posting of grades for students taking distance education (online) courses
- Leave graded exams, papers, lab reports, or other graded assignments, in a stack for students to select theirs by sorting through all student work
- Discuss student progress with anyone other than the student, including parents/guardians, without student written consent, unless the school official has a legitimate educational interest
- Provide anyone with student schedules or anyone other than appropriate University employees in locating students on campus
- Provide anyone outside the university with any student information
- Provide anyone with student directory information for commercial use or solicitation of products

LETTERS OF RECOMMENDATION

- Written release from the student is required when:
 - personally identifiable information obtained from student educational records are included in the recommendation such as grades or GPA. The writer must:
 - Obtain a signed release from the student which:
 - Specifies the records that may be disclosed
 - States the purpose of the disclosure
 - Identifies the party or class of parties to whom the disclosure can be made
- Written release from the student is not required when:
 - Statements made by the person writing the recommendation are made from their personal observations or knowledge
- Letters of Recommendation are part of the student's education record, the student_{1,2} has the right to read it - unless they have waived that right of access

FERPA FOR PARENTS

- When a student reaches eighteen years of age or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from parent to student
- How can parents or legal guardians gain access to academic or financial records of their child?
 - If student is a dependent for federal income tax purposes and parent provides proof of child's dependency
 - If student provides written consent to release non-directory information to custodial or non-custodial parent
 - In divorce cases, if custodial parent provides copy of divorce decree stating non-custodial parent rights to non-directory information of child