

Family Education Rights and Privacy Act of 1974 (FERPA) (The Buckley Amendment)

Macomb Community College

The goal of this presentation is to assist Macomb Community College employees in understanding their roles and responsibilities for implementing FERPA.

Confidentiality

(<http://www.macomb.edu/About+Macomb/College+Policies/Policies/Confidentiality+of+Student+Records+Policy.htm>)

- **Security and confidentiality are matters of concern for all employees within Macomb Community College.**
- **Each employee holds a position of trust relative to the student's educational record.**



Compliance

Employees must comply with the Family Educational Rights and Privacy Act to be allowed access to student educational records.



Penalty for Noncompliance

- **Withdrawal of Department of Education funds from the institution.**
- **Disclosure of these records to any unauthorized person could subject an employee to criminal and civil penalties imposed by law.**

What Is FERPA?

(<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>)

FERPA is a federal law passed by Congress in 1974 which grants four specific rights to the adult student:



Rights

- The right to inspect and review the student's educational record
- The right to request the amendment of the student's educational record
- The right to consent to disclosure of the student's educational record
- The right to file a complaint concerning alleged failures by Macomb Community College to comply with the requirements of FERPA to the United States Department of Education in Washington

Who Is Protected Under FERPA?

- **FERPA applies to the education records of persons who are or have been in attendance at postsecondary institutions.**
- **FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend an institution.**

What Is a Student Educational Record?

A student educational record includes all data, any form (paper, film, electronic, etc.) owned by the college and used to conduct business by school officials. The records are directly related to a student (personally identifiable) and maintained by an education agency or institution or by a party acting for the agency or institution.

Student Educational Records (Examples)

- **Personal information (race, gender, student ID number, country of citizenship)**
- **Enrollment records**
- **Grades**
- **Student Class Schedules**

What Is Directory Information?

Some information (directory information) is considered public. This information can be released without the student's written permission. However, the student has the option to consider this information confidential.



Macomb's Designated "Directory Information"

- Student's name
- Major field of study
- Participation in officially recognized activities in sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- Most recent education, agency, or institution attended

What Is Not Included in an Educational Record?

- **Sole possession records**
- **Law enforcement unit records**
- **Employment records**
- **Medical records**
- **Post-attendance records**

May Information from a Student's Education Records be Disclosed To Protect Health or Safety?

Yes. FERPA permits the disclosure of information from student records “to appropriate parties, including parents or legal guardians in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.”

When May a College or University Disclose Information from a Student's Education Records to the Student's Parent or Legal Guardian?

Once a student is in attendance at a postsecondary institution, all rights provided by FERPA rest with the student, even if the student is younger than 18 years old. Education record information may therefore be disclosed to the parent of a college or university student only with the student's consent or in instances in which one of the exceptions to FERPA permits disclosure. In addition to the other exceptions discussed in this Note, two such exceptions specifically address communications to parents.

Two Exceptions Specifically Address Communications to Parents

- **First, FERPA permits (but does not require) disclosures of any or all education record information to a student's parents if the student is their dependent for federal tax purposes. To rely on this exception, the institution must verify the student's dependent status, normally by asking the student for confirmation or by asking the parents for a copy of the relevant portion of their most recent tax return.**
- **Second, an institution may (but again is not required to) provide information to a parent or legal guardian regarding any violation of law or of an institutional rule or policy governing the use or possession of alcohol or a controlled substance, if the institution has determined that the student committed a disciplinary violation with respect to such use or possession and the student is under the age of 21 at the time of both the violation and the disclosure.**

Who May Have Access to Student Education Information?

- The student and any outside party who has the student's written consent
- School officials who have "legitimate educational interest"*
- Parents of a dependent student as defined by the internal revenue code
- A person in response to a lawfully issued subpoena or court order (the college must first make a reasonable attempt to notify the student)
- Such other entities as permitted by federal regulations

***Legitimate Educational Interest**

School officials requesting information must have a “legitimate educational interest,” that is, they may only request information needed to complete their assigned or authorized task.

Determinations as to whether the information is needed shall be made by the head administrator of the unit retaining the information.

Quiz

For a better understanding of the
FERPA Law please take the
following quiz.



Employees should not attempt to access student's educational records unless they are specifically authorized to do so and are informed about FERPA.

True

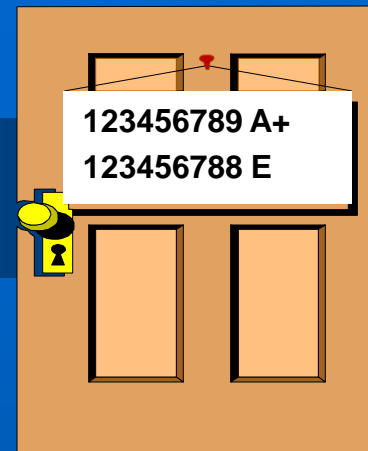
The employee must have a legitimate educational interest (as opposed to a personal or private interest) to access the student's educational record.



**Releasing race and country of
citizenship would be a violation of
FERPA?**

True

Releasing race, gender, student ID number, grades, GPA, or country of citizenship would be a violation of a student's privacy if released without the student's written permission, unless otherwise permitted by federal regulations.

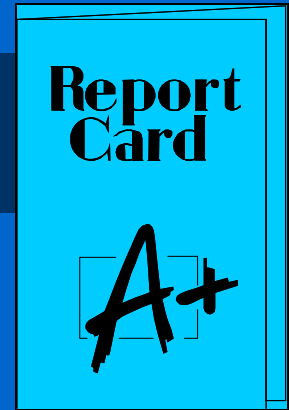


An instructor can post student grades on an office door if only a student's ID number is used.

TRUE OR FALSE?

False

Instructors cannot at any time use the student ID number of a student or link the name of a student with a student's ID number in any public manner.



Parents can request the grades of their child.

TRUE OR FALSE?

False

You cannot provide parents with grades or any other personal information, unless the parents assert their rights to the information because the student is their dependent defined by the internal revenue code or the student consents to disclosure in writing signed by the student.



It is not good practice and may be a violation of FERPA to leave a computer screen with student information unattended.

True

Employees who have access to student records on their computers have the responsibility to protect the confidentiality of those records. To secure information, hit Ctrl Alt Delete to lock your computer when leaving your work space.



Students can request a copy of their transcripts by phone.

False

Student educational records may not be released without written consent of the student.

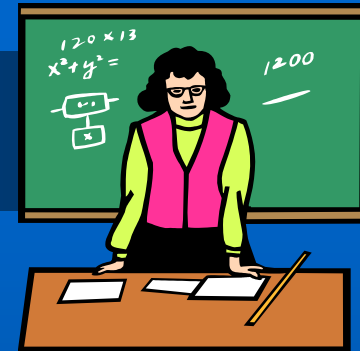


The phone number of a student can be given to another student.

TRUE OR FALSE?

False

When in doubt, check Macomb's directory information before releasing any information. The student's phone number is not included in Macomb's directory.



Instructors are in violation of FERPA if graded tests are left on a desk for students to pick up.

TRUE OR FALSE?

True

Instructors cannot leave graded tests in a stack for students to pick up by sorting through the papers of all students, unless the tests are not personally identifiable.



Instructional departments can provide anyone lists of students enrolled in classes for commercial purposes or other appropriate parties.

False

Instructional departments or any other department cannot provide anyone lists of students enrolled in classes for any commercial purposes



You are obligated to turn over a copy of a student's schedule to a police department.

False

All such requests must be referred to the Campus Police and the Office of General Counsel. Upon receipt of a court order, subpoena, warrant or state or federal determination of a health or safety emergency involving the student or other individuals, the Campus Police and the Office of General Counsel may approve the release of a student's educational records to a law enforcement agency.



A parent calls a counselor to discuss the progress of his/her child, the counselor can give the parent that information.

TRUE OR FALSE?

False

Information on the student's progress cannot be provided to the parents, unless the parents assert their rights to the information because the student is their dependent according to internal revenue code or student consents to disclosure in writing signed by the student.



A parent calls the Records Office for his/her child's grades. They said they paid for the classes. In this case, you can give them the information.

TRUE OR FALSE?

False

Paying the tuition does not give the parents permission. Students have rights to their education records once they begin attending an institution of higher education, regardless of their age. Therefore, the parents should be treated like any other person. You may release non-directory information to parents by either obtaining the students written permission or by having the parents show that their child is legally their dependent.

Employee's Statement of Understanding of the FERPA

I understand that by the virtue of my employment with Macomb Community College, I may have access to records which contain individually identifiable information, the disclosure of which is prohibited by the Family Educational Rights and Privacy Act of 1974.

I acknowledge that I fully understand that the intentional disclosure by me of this information to any unauthorized person could subject me to criminal and civil penalties imposed by law.



Thank you, for finishing this FERPA base level tutorial.

This information is intended to give general information about FERPA to all Macomb employees. It is not intended as nor is it a substitute for legal advice on any particular issue.

Macomb will use reasonable efforts to keep this presentation up to date and accurate as regulations and information change.

If you have any questions contact the Office of the Registrar for guidance.

For more information refer to Macomb's Policy on the Confidentiality of Student Records found on Macomb's website.

<http://www.macomb.edu/About+Macomb/College+Policies/Policies/Confidentiality+of+Student+Records+Policy.htm>

Questions

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