

FERPA Training Session

**FERPA in 15min.**

# What is FERPA?

The Family Educational Rights & Privacy Act of 1974 (FERPA) sets forth requirements regarding the privacy of student records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.



# FERPA REGULATIONS

- FERPA regulations require institutions to notify students of their FERPA rights. SWIC notifies students through their student email accounts, through annual student handbook distribution and through the college catalog.
- FERPA as stated in the SWIC catalog:

In compliance with the Family Educational Rights and Privacy Act of 1974, Southwestern Illinois College students may review their records by submitting a formal written request to the Enrollment Services Office.

# What is FERPA?

- Under FERPA students have the right to:
  - Inspect & review their education records
  - Request to amend their education records
  - Limit the disclosure of personally identifiable information (aka directory information)

# Who Does FERPA Protect?

- FERPA protects the privacy of student education records.
- FERPA does not apply to:
  - Individuals who have applied but have not yet attended
  - Deceased students

# Records Are...

## Education Records that are:

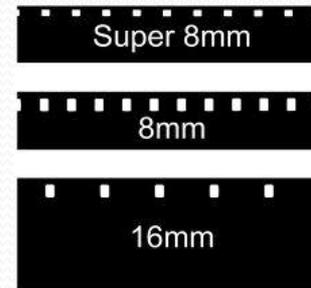
- Directly related to a student
- Maintained by an educational agency or institution or by a party acting for the agency or institution.

# Records Are...

Records are any information maintained in any way, including, but not limited to:

- Handwriting, Video or Audio Tape, Computer Media, Film, Print and Microfilm/Microfiche.

*Die Abbildung menschlicher  
vollständig, weil einseitig.  
Auch im Falle der verfügbaren  
zu einem gewissen Grade vollständig  
zu sein. Es ist ein Beweis für die  
Mit der Entwicklung, die über  
Kampferessen zu einem weit  
stärkeren Grade gekommen. Dies  
subjektive Frage, die wiederum  
Ich finde keinen Anhalt in  
zu überarbeiten, um mich  
d - halt und grandiosen  
lassen und damit die Rolle  
s'Ergebnisse und Absicht*



# Exceptions to Education Records

- *Sole Possession Records*-Those records or private notes held by a school official that aren't accessible or related to other staff.
- *Law Enforcement Records*-Records created/maintained for a law enforcement purpose.
- *Employment Records*

# Records Exceptions Cont.

- *Medical Records*-Records made and maintained in the course of treatment and disclosed only to those individuals providing treatment.
- *Alumni Records*-Records that only contain information about a student after he or she is no longer at the institution.

# So What Information Can We Disclose?

- As long as the student has not requested a restriction, we can release a student's directory information without violating FERPA.
- Directory information is information that if disclosed, is not generally considered harmful or an invasion of privacy.
- FERPA restrictions are indicated on the student's record in the student center by a window shade icon 

# Directory Information at SWIC

- Student's Name
- Address
- Enrollment Status(full or part-time)
- Dates of Attendance at SWIC
- Honors (including honor roll)
- Degrees conferred (including dates)
- Sports Participation (past and present)
- Physical Factors of Athletes (height and weight)

If a student chooses to restrict the disclosure of directory information, a Request to Prevent Disclosure of Directory Information form must be submitted to Enrollment Services.

[Request to Prevent Disclosure Form](#)

# Who May Have Access to Student Information?

- The student and any individual/entity who has the student's written permission – \*
- School officials (as deemed by the College) who have a legitimate educational interest
- A person in response to a lawfully issued subpoena/court order (College should try to inform the student first)

# When Is Consent NOT Needed?

Consent is not needed for disclosure of information to:

- School Officials who have a legitimate educational interest
- Federal, state & local authorities involving an audit or evaluation of compliance with educational programs
- In connection with financial aid, including Veterans' benefits
- Organizations conducting studies for or on behalf of an educational institution

# When is Consent NOT Needed Cont.

- Accrediting organizations
- Comply with a judicial order or subpoena
- In a health or safety emergency
- Release the results of a disciplinary hearing to an alleged victim of a violent crime
- Release directory information

# Posting Grades

Posting of grades and other non-directory information in a public place without written consent of the student is a violation of federal law.

- This includes the posting of grades down a hallway or on a class/institutional website and applies to any public posting of grades for students taking distance learning classes.
- Placing graded papers or tests at the front of the room for students to pick up or passing graded papers down a row of students is also a violation of FERPA.

# Posting Grades Cont.

- Notification of grades via a postcard violates a student's privacy.
- Notification of grades via e-mail is slightly more secure than a postcard, however, there is no guarantee of confidentiality on the Internet.

# Test Time

So, how well do you really know  
FERPA??

Let's find out!!!

# Question #1

True/False

“Education records” include only those records contained in a student’s permanent file.



# FALSE

With specific exceptions, “education records” are those maintained by the institution in any format that is identifiable to the student.

# Question # 2

True/False

Faculty has the right to inspect and review the education records of any student.



# FALSE

All faculty and staff must show a legitimate educational interest or need to know within the context of their role to have appropriate access to education records.

# Question #3

True/False

If a student discloses in an open forum that he/she has been suspended and that he/she feels the suspension is unwarranted, the school may infer that it has been given implied consent for openly discussing the suspension.



# FALSE

There is no implied consent in FERPA. The school will need to follow regular guidelines for releasing this student's record information

# Question #4

True/False

A faculty member does not have to allow a student to inspect and review personal notes the faculty member has written about the student that are held in a file in the desk in the faculty member's office.

# TRUE

Sole possession records are an exception to the definition of education records and are therefore not accessible by the student.

# Question #5

True/False

A student has the right to inspect and review an essay submitted by the student, even if the instructor does not intend to return it to the student or to permanently maintain it.

# TRUE

So long as the record exists, it would be part of the student's education record. The student has the right to access it.

# Question #6

True/False

Professor Kashmir has posted the grades of all the students in his class on the wall outside of his office.  
This is a violation of FERPA.

# MAYBE

It depends on HOW he posted the grades. If by name, Student ID number, SSN (or part thereof), or something else that can be fairly easily interpreted by a third party, then it is a violation.

However, if the grades are posted by some “code” known only by the student and the instructor, then it is not a violation.

# Question #7

True/False

Using the Student ID number, Professor Kashmir has posted the grades of all of his students on the wall outside of his office.

This is a violation of FERPA.

# TRUE

Posting grades in any personally identifiable format, such as name, SSN or SID number would be a violation of FERPA.



SO...

How did you do??

# Additional Resources

AACRAO

[www.aacrao.org](http://www.aacrao.org)

US Department of Education

[www.ed.gov/policy/gen/guid/fpco/index.html](http://www.ed.gov/policy/gen/guid/fpco/index.html)

Enrollment Services Office

<https://www.swic.edu/students/swic-cares-about-you/ferpa/>

# Refer Questions to Enrollment Services

Chris Melvin, Interim Director of Financial Aid and  
Student Services

(866) 942-7492, ext. 5405

[Christopher.Melvin@swic.edu](mailto:Christopher.Melvin@swic.edu)