

Top Ten FERPA Questions for Staff

1. Who has access to student academic records?

An institution may only disclose personally identifiable information without the student's written consent to "school officials" whom the institution has determined to have a "legitimate educational interest."

2. When should I release students' information?

Such things as progress in a course, deficiencies in a subject area, scores and grades on papers, exams, etc. are all examples of personally identifiable information that make up part of the student's academic record. Without the express, written permission of the student, parents, like all other third parties, may have access only to the student's directory information. If a student has restricted his or her directory information, then directory information is also considered confidential. An institution is not obligated to release directory information to anyone. FERPA only says that an institution MAY release information, but there is no obligation to do so. When in doubt, do not release information.

3. Does FERPA apply to deceased students?

The privacy rights of an individual expire with that individual's death. Institutional records held for a deceased person is not a FERPA issue, but a matter of institutional policy. CLU will exercise its own discretion in deciding whether, and under what conditions, information should be disclosed to survivors or third parties.

4. What FERPA responsibilities do student workers have?

FERPA does not preclude an institution from identifying students as "school officials" with a "legitimate educational interest" for specific purposes. The same requirements and responsibilities for a full time school official exist for student workers. The student workers must be trained on FERPA just as if they were faculty or staff.

5. How does FERPA apply to students with financial holds?

Students have the right to inspect the contents of their student folder, regardless of their financial status with the institution. However, an institution is not required to release an official transcript if the student has a past due account.

6. How do I properly dispose of confidential information?

Dispose of all material containing confidential information (such as tests, papers, class rosters) by shredding or placing them in a receptacle intended for the collection of material to be disposed of in a secure manner.

7. What information may I release in crisis situations or emergencies?

If non-directory information is needed to resolve a crisis or emergency situation, an education institution may release that information if the institution determines that the information is "necessary to protect the health or safety of the student or other individuals." Factors considered in making this assessment are: the severity of the threat to the health or safety of those involved; the need for the information; the time required to deal with the emergency; and the ability of the parties to whom the information is to be given to deal with the emergency.

8. May I release confidential information to officially registered student groups?

Student groups do NOT have legitimate educational interest and consequently may not be given confidential information about a student or students without each student's express, written permission.

9. What are the consequences for violating FERPA?

FERPA violations may result in the loss of federal funding for the university. Any breach of confidentiality could lead to disciplinary action, including the possibility of termination of employment.

10. Must I formally acknowledge that I understand FERPA?

All employees who work with the student records database (Datatel) must sign the Confidentiality of Student Records Statement. This document explains that academic records may only be disclosed to or discussed with the student and individuals with legitimate educational interest. After signing this statement, it becomes part of the employee's file.

*All university offices should consider developing a procedure for handling confidential academic records and ensuring that all staff members are educated in these procedures.