

Family Educational Rights and Privacy Act (FERPA)

An Overview

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Family Educational Rights and Privacy Act of 1974

- FERPA is a federal law “designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.”
- FERPA is enforced by the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C.



Key Concepts

- Students' right to access their education records as outlined in the *Annual Notification of Student Rights under FERPA*
- *Education record* defined
- Public vs. private information
- *School Official* defined
- Requirements for disclosure of student education record
- Exceptions to those requirements as described in the *Release of Student Information Policy*



Annual Notification

The Office of the Registrar provides the *Annual Notification of Student Rights under FERPA* to students to inform them of their right to

- inspect and review their education records (within 45 days of a request);
- request an amendment to their education records;
- request a hearing if the request for an amendment is unsatisfactory;
- request that the institution not disclose their directory information;
- file a complaint with the U.S. Department of Education.



Education Records

Education records are directly related to a student and maintained by an institution or its agent for all enrolled students (including high school students).

Education records include:

- Graded papers/exams
- Applicant > Enrolled Student
- Transcripts
- Notes from a conversation with or about a student that are placed in a student's file for others in the department to reference.

Education records *do not* include:

- sole possession (lap drawer) records
- peer graded papers
- online forums (e.g., Oncourse chats)
- law enforcement unit records
- employment records (unless employment is based on student status)
- medical records
- alumni records



Public vs. Private Information

- **Directory/public information:** information contained in the record which would not generally be considered harmful or an invasion of privacy if disclosed

At IU, this includes name, address, e-mail address, phone number, major, dates of attendance, admission or enrollment status, campus, school, class standing, degrees and awards, activities, sports, and athletic information

- **Personally identifiable/private information:** information contained in the record which would generally be considered more sensitive or an invasion of privacy if disclosed

At IU, this includes University ID number, Social Security number, grades, hours completed, GPA, current class schedule, parent name and address, race, gender, country of citizenship, and date of birth.



Exceptions: What the Institution *May* Honor

- **Legitimate educational interest/need to know**
 - School officials may require the information to perform their duties.
 - Faculty are considered advisors with legitimate educational need for their enrolled students, those seeking to enroll, or those they advise (IU Memo from Ken Gros Louis, May 1999).
- **Parents of dependent students as claimed with the IRS
(copy of tax form required)**
- **Lawfully issued subpoenas (University Counsel review and student notification required)**
- **Various authorized representatives of government entities
(audits or evaluation of education programs, compliance with SEVIS, Solomon Amendment, etc.)**



School Officials

A school official is

- a person employed by the university in an administrative, supervisory, academic, research, or support position (including law enforcement personnel and health staff);
- a person or company with whom the university has contracted (attorney, auditor, collection agent);
- a person serving on the Board of Trustees;
- a student serving on an official committee (disciplinary, residency or grievance committees) or assisting a school official in completing his or her tasks.



Release of Student Information Policy

Students have a right to know

- what information from education records school officials within the institution can obtain *without obtaining prior written consent*;
- what the criteria are for determining who will be considered school officials;
- what legitimate educational interest will entitle school officials to have access to education records;
- what information the institution has designated as public or directory information.



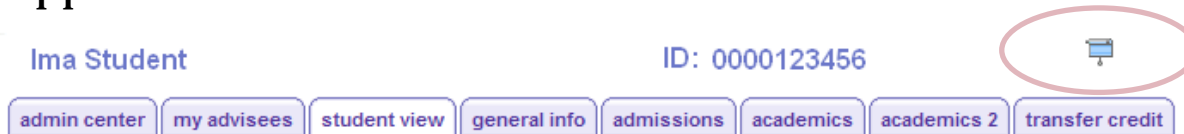
Restraint of Public Disclosure

- If a student does not want all or some of his or her directory information released to any person other than officials with legitimate need, he or she may complete and submit a restriction form to the Office of the Registrar.
- This restriction will also block information from appearing in the online address book.
- To remove the restriction, the student must complete a removal form and submit it to the Office of the Registrar.

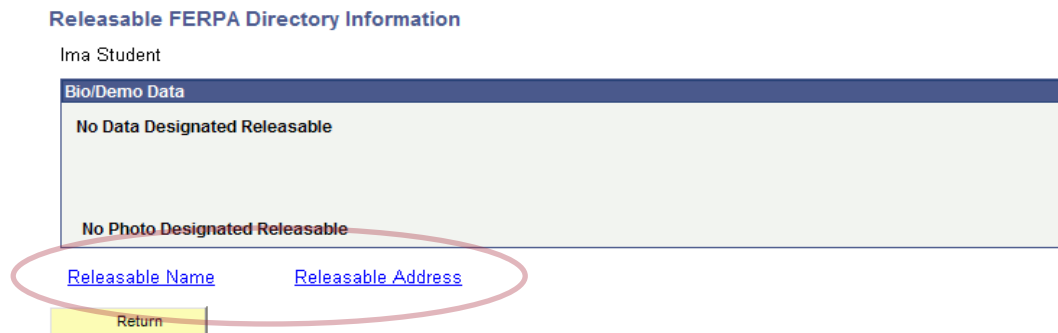


FERPA Restrictions in SIS

- If a student has filed a FERPA restriction, a window shade icon will appear in SIS:



- When the icon is clicked, releasable information will appear in blue links under the BioDemo Data box:





2009 FERPA Regulation Highlights

- Biometric records have been added to the list of personal identifiers. Biometric records include records of biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.
- FERPA prohibits the use of the Social Security number as an identification element when disclosing or confirming directory information unless the student has provided written consent for disclosure.



2009 FERPA Regulation Highlights

- A directory exclusion does not give students the right to remain anonymous in class or impede class communication.
- Institutions may release information to necessary parties when there are health and safety concerns. Exceptions for health concerns include serious communicable diseases that are epidemic in nature, serious infectious diseases, and suicidal ideation. These exceptions are to be addressed on a case-by-case basis.



2009 FERPA Regulation Highlights

- Under the Wetterling Act, FERPA now allows an institution to disclose without consent information it has received from a State about a student who is required to register as a sex offender.
- Institutions are now required to use “reasonable methods” to ensure that school officials (including outside service providers) obtain access only to those education records – paper or electronic – in which they have legitimate educational interests.
- Amended regulations require a school to use reasonable methods to identify and authenticate the identity of parents, students, school officials, and other parties before disclosing education records.



Points of Interest

- Faculty should never post grades or scores by University Identification number (UID) or even a portion of the Social Security number.

Note: Given new Indiana State Laws concerning Social Security numbers, this is even more critical for all faculty to understand.

- Nothing in FERPA allows discussion of a student record publicly, even if a lawsuit has made a student's information a matter of public record.



Points of Interest

- Disclosure of student information is discretionary. Institutions are not required to make directory information available to the general public.
- In Oncourse, the name of a student in a class will appear unless the student has a complete FERPA restriction or has chosen to restrict information in his or her Oncourse profile. If a student has a complete FERPA restriction, the instructor will see the student's username listed in place of both the first and last name. Other students will not know the restricted student is in the class unless the student interacts with others via a messaging system (e.g., chat).



Best Practices

- Do not collect or maintain data that is not needed.
- Lock your computer when stepping away from your desk.
- Do not allow unauthorized individuals to look over you.
- Never share your password or log anyone else on to a system using your credentials.
- Access only the information needed to do your job.
- Do not send a UID in the subject line of an e-mail.
- Download data to a secure local area network (LAN) rather than your desktop or local hard drive.
- Transfer data via IU Vault rather than attaching it to an e-mail.
- If you need to share student information with others while doing university business, consider the recipients knowledge of FERPA and inform them of their responsibilities.
- Provide the minimum amount of data required to do a job.



Tools and Resources

- Data Supervisors by department:
registrar.indiana.edu/dma/access_security.shtml
- Third Party PIN information:
<http://kb.iu.edu/data/auoz.html>
- Training and resources for users with access to student records data:
<http://registrar.indiana.edu/dma/training.shtml>
- Safe online practices and tools:
<http://keepitsafe.iu.edu>
- Indiana Data Protection Laws FAQ
- <http://registrar.indiana.edu/ferpainfo.shtml>
- Transferring files IUVault (encrypted) and Slashtemp
<https://iu.indiana.edu/slashtmp/auth/index.php>
<https://www.slashtmp.iu.edu/>



Tools and Resources

- FERPA info online: <http://registrar.indiana.edu/ferpainfo.shtml>
 - FERPA Presentation
 - FERPA Tutorial
 - FERPA Indicator in SIS instructions
 - IU Release of Student Information Policy
 - IUB Annual Notification of Student Rights
 - Policy on Mass Email
 - Frequently Asked Questions



Err on the Side of Caution

- If you are unsure...
- ... *Don't do it!*



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