



HUMAN RESOURCES

Family Educational Rights and Privacy Act
FERPA Training

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- **Purpose of the Training**

The consequences of how we handle or mishandle student information are significant. MDCC is legally and ethically obligated to protect the confidentiality of student records. This training session addresses the issues of:

- ✓ To whom student information may be disclosed; and
- ✓ How that information is to be disclosed.

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- **What should you expect to gain from this training session?**
 - ✓ Knowledge of the laws and policies governing the acceptable use and release of student records.
 - ✓ An understanding of your responsibilities in complying with these laws and policies.
 - ✓ An understanding of how to protect a student's right to privacy.

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- **What is FERPA?**

FERPA stands for the Family Educational Rights and Privacy Act (sometimes called the Buckley Amendment). Passed by Congress in 1974, FERPA grants four specific rights to eligible students:

1. The right to inspect and review their educational records;
2. The right to request the amendment of inaccurate or otherwise inappropriate educational records;
3. The right to consent to disclosure of their educational records;
4. The right to file a complaint with the Family Compliance Office in the U.S. Department of Education in Washington D.C. concerning alleged failure by MDCC in complying with the requirements of FERPA.

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- The **Essence of FERPA** can be summarized as follows:
 1. Eligible students **must** be permitted to inspect their own educational records.
 2. Institutional Officials may not disclose personally identifiable information about students, nor permit inspection of their records by third parties, without the prior written consent of the student, **unless** such inspection is permitted by the exceptions in FERPA.

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- **Key Terms**

- ✓ Eligible Student
- ✓ Educational/Non-Educational Record
- ✓ Institutional Official
- ✓ Legitimate Educational Interest
- ✓ Personally Identifiable Information
- ✓ Directory/Non-Directory Information

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- **Eligible Student**

An eligible student is a student who is currently attending MDCC or has previously attended MDCC.

FERPA **does not** apply to applicants to MDCC who have been admitted but who have not actually been in attendance.

FERPA **does** apply to students attending any educational program at MDCC, whether credit, non-credit degree; or non-degree.

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- **Educational Record**

An educational record is any information that is maintained by an institution which directly relates to a student.

Educational Records include:

- ✓ Demographic Information
- ✓ Admission Records
- ✓ Grades
- ✓ Class Schedules
- ✓ Printed Class Lists
- ✓ Graded Test Papers

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- **The storage medium** (the place where the information is stored) in which you find this information does not matter.

A student's educational record may be:

- ✓ A document in the records and grades office
- ✓ A computer printout in your office
- ✓ A class list on your desk
- ✓ A electronic form on your computer screen

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- What are not Educational Records?
 - ✓ Sole Possession Records (Private Notes)
 - ✓ Campus Law Enforcement Records
 - ✓ Employment Records (excluding student employment records)
 - ✓ Medical Records
 - ✓ Alumni Record

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- **Institution Official**

- ✓ Institution officials are people employed by the Institution in administrative, supervisory, academic, research, or support staff positions, including Institution police staff. Institution officials also include people or companies such as attorneys, auditors, collection agencies, or the National Student Loan Clearinghouse with whom the Institution has contracted or to whom the Institution must report.

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- **Legitimate Educational Interest**
 - ✓ Legitimate educational interest is the need to review a student's educational record by an Institution official in order to fulfill their professional responsibilities.

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- **Personally Identifiable Information**

- ✓ A list of personal characteristics or other information which would make the student's identity easily traceable.

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- **Directory Information**

Directory Information is personally identifiable Information that is not normally considered a violation of a person's privacy. It can be released to anyone *within the institution* that requests student information.

Directory information at MDCC includes:

- ✓ Student's name, address, telephone, e-mail
- ✓ Date and place of birth
- ✓ Designation of school/college including level in school
- ✓ Previous educational institutions attended
- ✓ Major field of study
- ✓ Dates of attendance including current enrollment status
- ✓ Degrees earned (dates of graduation or anticipated graduation date)
- ✓ Awards received including academic awards
- ✓ Participation in officially recognized activities and sports
- ✓ Height and weight of members of athletic teams

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However, students have the right to request that MDCC not disclose directory information items about them. There are also items that are never considered non-directory information:

- ✓ Social Security Number or Student ID Number
- ✓ Gender
- ✓ Race
- ✓ Religious Preference
- ✓ Grades
- ✓ Grade Point Average
- ✓ Class Schedule
- ✓ Country or Citizenship

These items are **not** to be released without the prior written consent of the student, unless justified under one of the exceptions to prior written consent found in FERPA.

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- **Key Concepts**

1. Requirements for Compliance

- Annual Notification
- Student Access

2. Procedures and Strategies for Compliance

- Prior written consent
- Record of requests and disclosures

3. Parental Rights

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Key Concept #1 – Requirements for Compliance

- ✓ Provide students with annual notification of their rights under FERPA. Annual notification of students' FERPA rights can be found in the College's catalog.
- ✓ Students must be provided with access to their educational records. Students have the right to inspect and review their educational record within 45 days of their request. That is, the record custodian for your school or college has 45 days from the date of request to provide a student with access to their educational record. However, there are limitations to what a student may view. Before releasing a student's record for review the record custodian must remove the following items:
 - Parent's financial information
 - Confidential letters and letters recommendation
 - Educational records containing information about more than one student (an inquiring student may only view that part of the record which pertains to them).

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Key Concept #2 – Procedures and Strategies for Compliance

1. MDCC shall obtain **prior written consent** before disclosing non-directory personally identifiable information from a student's educational record (except under those circumstances allowed by FERPA).

Prior written consent must include the following information:

- ✓ The educational record to be released
- ✓ The purpose of the disclosure
- ✓ The person(s) to whom the disclosure is made
- ✓ The consent must be signed and dated by the student

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However, there are exceptions. Prior written consent is not required:

- ✓ If the information is directory information and the student has not requested that directory information be withheld
- ✓ For Institution officials who have a legitimate educational interest in viewing a student's educational record
- ✓ For officials at an institution at which a student seeks to enroll
- ✓ In connection with health or safety emergencies if necessary to protect the students or others
- ✓ For parents of a student younger than 21 years of age, if the disclosure concerns discipline for violation of the campus drug and alcohol policy
- ✓ In response to a court order or subpoena, after reasonable effort has been made to notify the student (unless ordered by the court not to contact the student)
- ✓ For authorized representative of the:
 - Secretary of the Department of Education
 - Office of the Comptroller General
 - Attorney General's Office of the United States
 - State and local education authorities as part of an audit or program review
 - Research firms working for the Institution
 - Military Recruiters

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Procedures and Strategies for Compliance

2. MDCC shall maintain a record of requests and disclosures of students' educational records.

Specifically, we are required to maintain records of requests and disclosures on personally identifiable information that is non-directory information. The record must include the names and addresses of the requestor and his/her indicated interest in the students' educational record.

Key Concept #3 – Parental Rights

When a student reaches the age of 18 or begins attending a postsecondary institution regardless of age, FERPA rights transfer to the student. Therefore, parents may only obtain their son/daughter's educational record information when the student signs a consent form.

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Brief Review

- ✓ FERPA stands for the Family Educational Rights and Privacy Act, and is also known as the Buckley Amendment.
- ✓ FERPA gives students access to their own educational records and protects their records from unlawful disclosure.
- ✓ **No one** is exempt from the rules of FERPA. Violations of students' rights of privacy may result in severe penalties to the individual violator and/or the Institution.
- ✓ Institution officials may access and use educational records only as necessary to conduct official business related to the educational interest of the student.
- ✓ Directory information may be released without prior written consent of the student except when the student has filed a "Request to Withhold Directory Information."

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- ✓ Student educational record information must not be released to third parties outside the Institution, including parents of student, without the prior written consent of the student (except in those exceptions allowed by FERPA).
- ✓ We must take appropriate measures to protect student records that are stored on personal computers, in file cabinets or other forms of storage.
- ✓ **“If in doubt, don’t give it out!”** Do not release information about a student if you have doubts or questions. If there is any question in your mind regarding any request for educational record information, it is always better to err on the conservative side.

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Where to Get More Information

Finally, if you would like more detailed information on FERPA please go to the following website:

Department of Education

www.ed.gov/offices/OM/fpco/index.html

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Now that you have finished your training, you **must** complete the Employee FERPA Survey.

See the next slide for survey instructions.

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BANNER – Employee FERPA Survey

1. Access MDCC's **MyBanner** --
https://mybanner.msdelta.edu/PROD/twbkwbis.P_GenMenu?name=homepage
2. Click on **Enter Secure Area**.
3. Log in using your MyBanner credentials.
4. Click on the **Personal Information tab**.
5. Click **Answer a Survey**.
6. Click the **FERPA Survey for Employees** link.
7. **If you have read and understand the MDCC FERPA Policy/Training**, click the radio button to certify that you have read and understand the MDCC FERPA policy.
8. Click **Survey Complete** button to submit your certification.

Survey Name: FERPA Survey for Employees

Question 1: I acknowledge that any information contained in student files are protected by FERPA. I certify that I have read and understand the MDCC FERPA policy, and that the employment position I have accepted may provide me with access to student records protected by FERPA. I understand that a breach of confidentiality of such documents or information would constitute abuse of college employment, as well as a violation of MDCC policy and federal law. The forgery, falsification, or fraudulent misuse of college documents and/or student records are offenses punishable under the college's Policies and Procedures Manual, and may also be a violation of Mississippi and federal law. I also understand that any violation may result in my termination from this employment position.

I certify that I read & understand the MDCC FERPA policy.



9. Once you have completed the survey, it will disappear from your list of surveys.