Top Ten Tips
FERPA

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WHAT IS FERPA?
TIP 10:

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

"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."

TIP 10:

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

THIS ACT IS ENFORCED BY THE FAMILY POLICY COMPLIANCE OFFICE, U.S. DEPARTMENT OF EDUCATION, WASHINGTON, D.C.
TIP 10:

THE ESSENCE OF THE ACT

- College students must be permitted to inspect their own education records.

- School officials may not disclose personally identifiable information about students nor permit inspection of their records without written permission unless such action is covered by certain exceptions permitted by the act.
REQUIREMENTS FOR COMPLIANCE

WHAT WE MUST DO...

🌟 PROVIDE ANNUAL NOTIFICATION TO STUDENTS OF THEIR FERPA RIGHTS

〇 PROVIDE STUDENTS’ ACCESS TO THEIR EDUCATION RECORDS
TIP 9:

WHAT IS AN EDUCATION RECORD?
(SUMMARY)

- IF YOU HAVE A RECORD THAT IS:
  - MAINTAINED BY YOUR INSTITUTION
  - PERSONALLY IDENTIFIABLE TO A STUDENT (DIRECTLY RELATED TO A STUDENT AND FROM WHICH A STUDENT CAN BE IDENTIFIED)
  - NOT ONE OF THE EXCLUDED CATEGORIES OF RECORDS...

THEN, YOU HAVE AN EDUCATION RECORD AND

IT IS SUBJECT TO FERPA
TIP 9:

REQUIREMENTS FOR COMPLIANCE

A. PROVIDE ANNUAL NOTIFICATION TO STUDENTS OF THEIR RIGHT TO:

1. INSPECT AND REVIEW THEIR EDUCATION RECORDS
2. REQUEST AN AMENDMENT TO THEIR EDUCATION RECORDS
3. A HEARING IF THE REQUEST FOR AN AMENDMENT IS UNSATISFACTORY
4. REQUEST THAT THE INSTITUTION NOT DISCLOSE DIRECTORY INFORMATION ITEMS ABOUT THEM
5. FILE A COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION
TIP 9:

REQUIREMENTS FOR COMPLIANCE

A. PROVIDE ANNUAL NOTIFICATION TO STUDENTS OF THEIR RIGHT TO:

6. KNOW WHICH INFORMATION THE INSTITUTION HAS DESIGNATED AS PUBLIC OR DIRECTORY INFORMATION.
DIRECTORY INFORMATION
UC BERKELEY EXTENSION

UC BERKELEY EXTENSION HAS DESIGNATED DIRECTORY INFORMATION, ACCORDING TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 TO BE THE STUDENT’S:

- STUDENT NAME
- MAJOR FIELD OF STUDY
- CERTIFICATES EARNED
- TERMS OF ATTENDANCE
- EMAIL ADDRESS

TIP 8:
Privacy Policy – Published in Catalogue and on Website

The UC Berkeley Extension Dean's Office is responsible for maintaining Extension student records, and any questions about them should be addressed to the Dean's Office in writing. See the policy governing the Disclosure of Information from Student Records (PDF) for more information.

The policy provides for the right of students to be informed about where student records are located, to review their own records, to request corrections, to grieve alleged violations of privacy, to consent to disclosures of personally identifiable information, and to file complaints with the U.S. Department of Education. The Dean's Office has designated student names, e-mail addresses, terms of attendance, major fields of study, and certificates earned as directory information under the policy; please note that Extension's directory information is more restricted than that for matriculated students.
TIP 7:

WHAT CAN DIRECTORY INFORMATION INCLUDE?

DIRECTORY INFORMATION CAN NEVER INCLUDE A STUDENT’S:

- RACE
- GENDER
- SOCIAL SECURITY NUMBER
- GRADES
- GPA
- COUNTRY OF CITIZENSHIP
- RELIGION
TIP 6:

“LEGITIMATE EDUCATIONAL INTEREST” at UC BERKELEY EXTENSION

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
TIP 6:

“School Officials”

A “SCHOOL OFFICIAL” CAN BE A PERSON:

1) EMPLOYED BY THE COLLEGE IN AN ADMINISTRATIVE, SUPERVISORY, ACADEMIC, RESEARCH, OR SUPPORT STAFF POSITION (INCLUDING LAW ENFORCEMENT AND HEALTH STAFF PERSONNEL),

2) ELECTED TO THE BOARD OF TRUSTEES,

3) OR COMPANY EMPLOYED BY OR UNDER CONTRACT TO THE COLLEGE TO PERFORM A SPECIAL TASK SUCH AS THE ATTORNEY, AUDITOR, OR COLLECTION AGENCY,

4) OR STUDENT SERVING ON AN OFFICIAL COMMITTEE, SUCH AS A DISCIPLINARY OR GRIEVANCE COMMITTEE, OR ASSISTING ANOTHER SCHOOL OFFICIAL IN PERFORMING HIS OR HER TASKS.
TIP 5:

PROCEDURES AND STRATEGIES FOR COMPLIANCE

A. DISCLOSURE OF EDUCATION RECORD INFORMATION

1. INSTITUTIONS SHALL OBTAIN WRITTEN CONSENT FROM STUDENTS BEFORE DISCLOSING ANY PERSONALLY IDENTIFIABLE INFORMATION FROM THEIR EDUCATION RECORDS (WITH THE EXCEPTIONS AS NOTED IN SECTIONS 2 AND 3 BELOW). THE WRITTEN CONSENT MUST:

a. SPECIFY THE RECORDS TO BE RELEASED
b. STATE THE PURPOSE OF THE DISCLOSURE
c. IDENTIFY THE PARTY OR PARTIES TO WHOM DISCLOSURE MAY BE MADE
d. BE SIGNED AND DATED BY THE STUDENT.
PROCEDURES AND STRATEGIES FOR COMPLIANCE

DISCLOSURE OF EDUCATION RECORD INFORMATION

INSTITUTIONS MAY DISCLOSE EDUCATION RECORDS *WITHOUT WRITTEN CONSENT* OF STUDENTS TO THE FOLLOWING EXAMPLES:

- COMPTROLLER GENERAL OF THE UNITED STATES
- THE SECRETARY OF THE UNITED STATES DEPARTMENT OF EDUCATION
- U.S. ATTORNEY GENERAL (LAW ENFORCEMENT ONLY)
- STATE EDUCATIONAL AUTHORITIES
- STUDENT FINANCIAL AID OFFICES
- ACCREDITING ORGANIZATIONS
- COURTS
TIP 4:

PROCEDURES AND STRATEGIES FOR COMPLIANCE

- PERSONS IN AN EMERGENCY, IF NECESSARY TO PROTECT THE HEALTH OR SAFETY OF THE STUDENT
- AN ALLEGED VICTIM OF ANY CRIME OF VIOLENCE OF THE RESULTS OF ANY INSTITUTIONAL DISCIPLINARY PROCEEDING
- VETERANS ADMINISTRATION OFFICIALS
- REPRESENTATIVES OF THE IMMIGRATION AND NATURALIZATION SERVICE FOR PURPOSES OF THE CIPRIS
- PARENTS OF A STUDENT UNDER THE AGE OF 21 REGARDING A VIOLATION OF ANY LAW
What about Parents?

- When a student reaches the age of 18 or begins attending a postsecondary institution regardless of age, FERPA rights transfer to the student.
- Parents may obtain directory information only at the discretion of the institution.
- Parents may obtain non-directory information (grades, gpa, etc.) only at the discretion of the institution AND after it has been determined that their child is legally their dependent.
- Parents may also obtain non-directory information by obtaining a signed consent from their child.
TIP 2:

FERPA Rule

Do not post grades in any public area
TIP 1:

FERPA Rule

Do Not Email Grades to Students
POPP QUIZ

1. You are chatting with a fellow instructor whose relative is in your class. Your colleague wants to know how the relative is doing in your class and what final grade s/he may receive. Is this acceptable?

   —→  See Tip 5

2. Final exams are over and you have assigned the students' grades for the semester. To expedite the disclosure of these grades to your students you decide to email a few students who have contacted you by email recently with their final grade. Is this acceptable?

   —→  See Tip 1
Here is some additional information from an instructor interaction with the parent of a student. This article can be found in The Chronicle of Higher Education:

Understanding FERPA & Education Records Disclosure

- June 23, 2010, 03:00 PM ET
  Understanding FERPA & Educational Records Disclosure
  By Ethan Watrall

- Refer to Tip 3 (What About Parents?)