



# FERPA

Family Educational Rights and  
Privacy Act

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# Where the Rubber Meets the Road...

- FERPA generally prohibits the improper disclosure of personally identifiable information derived from education records.
- Information obtained through personal knowledge or observation, or heard orally from others, is not protected
- FERPA deals with retention, not creation of records



# FERPA at WVU

- <http://ferpa.wvu.edu/>
  - Annual Notice to Students
  - Who is Covered
  - Access
  - Rights and Procedure to Inspect or Challenge Contents
  - Requests for Nondisclosure
  - Forms for all campuses

# Education Records:

- Those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution.



# FERPA protects Personally Identifiable Information in Education Records

- Registration forms
- Transcripts
- Student information displayed on a computer screen
- Grades
- Student schedules
- Class assignments
- Class Rosters
- Any paper with the student's SSN on it.

# Education Records at WVU

- Education records **do not include:**
  - Records of instructional, administrative, and educational personnel which are in the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute
  - Records of the law enforcement unit
  - Student health records
  - Employment records
  - Alumni records

# Who's on first???

- Once a student attends a postsecondary institution, he or she becomes an "eligible student," and all FERPA rights transfer to the student.
- Parents have NO rights here unless tax dependent.

# Who's on Second???

- Those academic, administrative and support personnel, including, but not limited to, employees, appointees, staff, faculty, and, in some circumstances, students, who, in the performance of their official duties, have a legitimate educational interest will be allowed access to student education records



# What's on Third???

- “Legitimate educational interests” are defined at WVU as teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, academic assistance activities, and other activities that are generally supportive of overall goals of the institution and contribute generally to the well-being of the entire student body.

# What is and is NOT required:



- **IS NOT:** A school is NOT generally required to maintain particular education records or education records that contain specific information.
- **IS:** A school IS required to provide certain **privacy protections** for those education records that it does maintain.



# Behind Door #1, You Get:

- The right to have access;
- The right to seek to have the records amended;
- The right to have some control over the disclosure of personally identifiable information; and
- The right to file a complaint with the Department of Education concerning an alleged failure to comply with FERPA regulations.

# Warm up the shredder

- Unless there is an outstanding request by an eligible student to inspect and review education records, FERPA permits the school to destroy such records without notice to the student.



# The end of the road



- A school is NOT required to provide an eligible student with updates on his or her progress in a course or in school (including grade reports) unless such information already exists in the form of an education record.

# Sorry about your luck...

- No changes to:
  - Grades
  - Opinions
  - Substantive decisions
  - Academic assessments
  - Disciplinary rulings
  - Placement determinations

# What protected information may be released?

- Directory Information.
- Information that the student has given written consent to release.
- Information needed by University officials who have a legitimate educational interest.
- Information needed by certain government agencies.



# Directory Info at WVU

- Name of Student;
- Official Address;
- Telephone Number;
- Electronic Mail Address;
- Place of Birth;
- Age of Student;
- Names and Addresses of Parents;
- Major and Minor Fields of Study;
- Class Status (i.e., freshman);
- Enrollment Status (i.e., full time or part time)
- Dates of Attendance;



# More Directory Info at WVU

- Previous Educational Institution(s) Attended;
- Degree(s) and Date(s) Conferred, including anticipated graduation dates;
- Awards;
- Honors;
- Participation in Officially Recognized Activities and Sports;
- Weight and Height of Members of Athletic Teams;
- Duties and Responsibilities, including Dates of Service, of Graduate Assistants, Student Workers, Interns, or Student Volunteers; and
- Photographs, videos, or other media containing a student's image or likeness (collectively "Student Images")

# Requests to Withhold

- Currently enrolled students
- Must use the Official Form
- Written notification must be received in the Office of the University Registrar
- Requests will be processed as soon as is practicable upon receipt.
- Failure to specifically request withholding equates to approval
- Requests to withhold Directory Information have no effect on previous disclosure
- Requests to withhold do NOT revoke an otherwise valid written FERPA release already on file with the University



# Consent to Release



- Consent to release must be written, signed, and dated.
- Consent must specify the records to be disclosed and the identity of the recipient.



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# Can it be released?

- Parents of an enrolled student can obtain education records of a dependent **without consent** if they can demonstrate:
  - That they still claim the student as a dependent on their federal taxes; and
  - Their identity as parents.



## Can it be released?

- You may **not** send any recommendation letter that includes non-directory information without a release from the student.
- The release must specify:
  - Who has permission to write the letter
  - Where the letter should be sent
  - What non-directory information should be included

# Sample Recommendation letter release:

I give permission for Dr. Reid to write a  
letter of recommendation to:

Dental Fellowship Office  
4.0 Impressive Lane  
Morgantown, WV 26501

Dr. Reid has my permission to include my  
grades, GPA, and class rank in this Letter.

I waive/do not waive my right to review a  
copy of this letter at any time in the future.

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Signature

Date

# Exceptions to the Rule of Non-Disclosure

- WVU officials who have a legitimate educational interest;
- Other educational institutions to which the student has applied;
- Federal, state, or local authorities for the purpose of audit and evaluation of federal or state supported educational programs;
- Persons or organizations in connection with financial aid for which the student has applied or received;
- Organizations conducting studies for or on behalf of the institution for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;
- Accrediting organizations to carry out their accrediting functions;
- Individuals authorized in judicial order or lawfully issued subpoena;



# More exceptions

- The victim of an alleged perpetrator of a crime of violence or non-forcible sex-offense (final results of the disciplinary proceeding only);
- A student who is the alleged perpetrator of a crime of violence or non-forcible sex-offense;
- The parent of a student under the age of 21, regarding the violation of any federal, state, or local law or institution policy governing the use or possession of alcohol or controlled substance;
- Contractors, consultants, volunteers and other outside parties providing services and functions or otherwise acting for, or on behalf of, West Virginia University.

# The Health and Safety Exception:

- If WVU determines that there is an articulable and significant threat to the health or safety of a student or other individual(s)
- But only to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individual(s).



# Helpful hints for faculty

- **Do NOT**

- Use the student's SSN/Student ID to post grades
- Circulate a printed class list with the Student Name and SSN/Student ID
- Leave confidential information displayed on an unattended computer
- Disclose **ANY** information without consulting the Deputy General Counsel if you are not sure

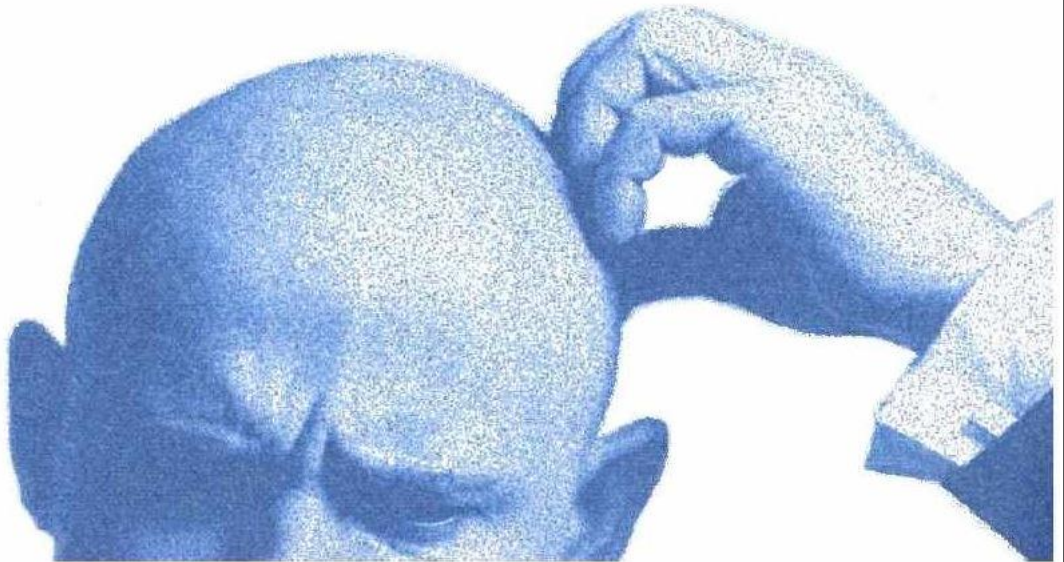
# YIKES!

- The penalty for violating FERPA is loss of all federal funding, including grants and financial aid.



# When in doubt...

- Don't release information
- Check the website
- Contact us



# School of Dentistry Academic Affairs Contact Information

- Dr. Christina DeBiase, Associate Dean for Academic and Postdoctoral Affairs
- Ms. Catherine Boyce, Academic Program Coordinator
- 304-293-4393

Questions???

