

# FERPA for Faculty and Staff

## Family Educational Rights and Privacy Act

### What is FERPA?

Each semester The Florida State University publishes information for students and the public regarding their rights and protection of their education records under the Family Educational Rights and Privacy Act of 1974, as amended.

Only select information that is identified as "Directory Information" at The Florida State University may be made available to the general public unless the student notifies the Office of Admissions and Records in writing. Written exception **must** be received **prior** to the first class day of the academic year. All other non-directory information is not public information and is protected under FERPA, which supercedes the Florida's Sunshine State open records laws.

1. Name.
2. Date and place of birth.
3. Local address.
4. Permanent address.
5. Telephone number (if listed).
6. Classification.
7. Major.
8. Participation in official University activities and sports.
9. Weight and height of athletic team members.
10. Dates of attendance.
11. Degrees, honors and awards received.
12. Most recently attended educational institution.
13. Digitized FSUCard photo.

### Penalties for Violating FERPA Regulations

The Federal Family Policy Compliance Office reviews and investigates complaints of violations of FERPA. If the Secretary of Education finds that an institution has failed to comply with FERPA and determines that compliance cannot be secured by any means, he/she can, among other options, direct that no federal funds under his or her administrative control (financial aid, education grants, etc.) be made available to that institution.

### Parental Access to Student's Educational Record

When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student. Parents must

obtain a signed consent from their child to receive non-directory information. The Office of Admissions and Records keeps that consent on file. Should a parent contact you regarding their child, you must check for this authorization prior to releasing that information. If the authorization does not exist, you must not discuss the student with the parent and advise the parent that their child must provide written authorization before you are allowed to do so.

## **What is an Educational Record?**

Just about any information provided by a student to the university for use in the educational process is considered a student educational record:

- personal information
- enrollment records
- grades
- schedules

Student educational records may be:

- a document in the student record's office
- a computer printout in your office
- a class list on your desktop
- a computer display screen
- notes you have taken during an advisement session

## **Posting of Grades by Faculty**

The public posting of grades either by the student's name or full social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to a unsecure class website and applies to any public posting of grades for students taking distance education courses.

Instructors and others who post grades should use a system that ensures that FERPA requirements are met. At Florida State University many faculty use either the Blackboard grade book or post exam scores by the last 5 digits of the social security number. Alternate means may include code words or randomly assigned numbers that only the instructor and individual student know.

Notification of grades via e-mail is not recommended. There is minimal guarantee of confidentiality with e-mail. The institution would be held responsible if an unauthorized third party gained access, in any manner, to a student's educational record through any electronic transmission method.

## Letters of Recommendation

Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student. However, if personally identifiable information obtained from a student's educational record is included in the letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made.

If this letter is kept on file by the person writing the recommendation, it would be part of the student's education record and the student has the right to read it unless he or she has waived that right to access.

Sample letter of recommendation –

I give permission to Prof. Smith to write a letter of recommendation to:

Allstate Insurance  
324 Wilkins Drive  
Atlanta, GA 33011

Prof Smith has my permission to include my gpa and grades.

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

Signature/Date

## The Media

Nothing in FERPA allows an institution to discuss a student's educational record publicly – even if a lawsuit has made the information a matter of public record. A school official may not assume that a student's public discussion of a matter constitutes implied consent for the school official to disclose anything other than directory information in reply. Additionally, university employees should follow university policy regarding the release of information to the media.

## Legitimate Educational Interest

What is "legitimate educational interest"? In accordance with FERPA, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. This includes such purposes as:

- performing appropriate tasks that are specified in her/his position description or by a contract agreement
- performing a task related to a student's education;
- performing a task related to the discipline of a student;
- providing services for the student or the student's family, such as health care, counseling, job placement, or financial aid.

What is NOT "legitimate educational interest"? Legitimate educational interest does not convey inherent rights to any and all student information. The law discriminates between educational interest, and personal or private interest; determinations are made on a case-by-case basis. Educational interest does not constitute authority to disclose information to a third party without the student's written permission.

## **Special "DON'TS" for Faculty**

To avoid violations of FERPA rules, DO NOT:

- at any time use the entire Social Security Number of a student in a public posting of grades
- ever link the name of a student with that student's social security number in any public manner
- leave graded tests in a stack for students to pick up by sorting through the papers of all students
- circulate a printed class list with student name and social security number or grades as an attendance roster
- discuss the progress of any student with anyone other than the student (including parents) without the consent of the student
- provide anyone with lists of students enrolled in your classes for any commercial purpose
- provide anyone with student schedules or assist anyone other than university employees in finding a student on campus

## **Subpoenas and requests from lawyers or officers of the court**

If you receive a Subpoena or are contacted by an attorney or a court official you need to contact the FSU General Counsel office at 644-4440 prior to any response, reply or appearance. The General Counsel's office will review the documents and provide you with support and direction when working through the legal process.

*Resource: The AACRAO 2006 FERPA Guide*