



Family Educational Rights and Privacy Act (FERPA)

What Faculty and Staff Should Know

What is FERPA?

- Family Educational Rights and Privacy Act of 1974, as amended
- Also known as the Buckley Amendment or the Privacy Act
- Covers only students who are or have been enrolled at a college or university; does *not* cover applicants who have been denied or who never enrolled
- Designed to protect the privacy of education records

- FERPA is a federal law
- Texas A&M University System Regulation [16.01.02 Privacy](#)
- Texas A&M Standard Administrative Procedure [13.02.99.M0.01 Student Records](#)
- Texas A&M University Rule [16.01.02.M1 FERPA Compliance](#)

Why Does FERPA Matter?



- FERPA is your responsibility!
- As a member of the educational community at Texas A&M University, you have a legal responsibility under FERPA to protect the privacy of student education records in your possession or to which you have access
- Your role places you in a position of trust
- You are an integral part of ensuring student information is handled properly

Key Provisions of FERPA

- Students in post-secondary institutions own their educational records
- Students have the right to inspect and review their education records
- Students have the right to request correction of inaccurate or misleading information
- Students maintain the right to restrict disclosure of personally identifiable information
- Students may file a complaint with the Family Policy Compliance Office of the Department of Education if they believe that an institution has violated their rights under FERPA

What is an “Education Record”?



- Any record directly related to a student that is maintained by an institution or by an agent acting directly for the institution
- May be maintained in any medium – print, type, film, handwritten, electronic, etc.
- Includes registration forms, transcripts, grade reports, class schedules, class rosters, and any document that includes personally identifiable information related to individual students.
- *Also includes any student information displayed on a computer screen!*

Students do not have the right to inspect and review education records that include:

- Information about other students
- Financial records of parents
- Confidential letters of recommendation to which the student has waived access (after January 1, 1975)
- Confidential letters and recommendations placed in student files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality & were only used for the purposes for which they were specifically collected

Exclusions to the Definition of “Education Record”



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- Personal notes in the sole possession of the person who made the notes and not accessible to anyone other than that person or his/her temporary substitute
- Law enforcement records
- Employment records, unless student status is required as a condition for employment
- Medical and/or psychological counseling records maintained for the sole purpose of treatment
- Most information in alumni records
- Parents' financial information

Sole Possession Note

- Made by one person as an individual observation or recollection & kept in the sole possession of the maker (e.g., memory jogger)
- Notes taken in conjunction with any other person are not sole possession notes
- Sharing the notes with another person or placing them where they can be viewed/accessed by others makes them 'education records' and subject to FERPA
- Emails are never sole possession notes
- Navigate notes are never sole possession notes
- Salesforce notes are never sole possession notes

Disclosure of student education records is only allowed when:

- Prior, written student consent is provided
- OR**
- Disclosure meets an appropriate FERPA exception condition

- “Any authorized interest or activity undertaken in the name of the University for which access to an education record is necessary or appropriate to the proper performance of the undertaking.”

**In other words – access to the information you
NEED to do your job**

- Determines whether a faculty or staff member is violating FERPA when they access a student’s record
- *Curiosity and doing a favor for a friend whose child is enrolled as a student are not legitimate educational interests.*

- **May** be – *but is not required to be* – released without the student's written consent
- Must be defined by the institution and made available to students
- **May not** be disclosed if the student has requested this information be withheld
- Cannot include Social Security Number, race, religion, national origin, gender, grades, or GPA

Directory Information



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- FERPA *allows* release of items but *does not require it*
- These items have been classified as Directory Information at Texas A&M University
- *Check restrictions in COMPASS on SWAINFO or on Howdy*

Directory Information Items
Name
Universal Identification Number (UIN) - <i>effective January 2012</i>
Local Address
Permanent Address
E-mail Address
Local Telephone Number
Permanent Telephone Number
Dates of Attendance
Program of Study
Classification
Previous Educational Agencies/Institutions Attended
Degrees, Honors, and Awards Received
Participation in Officially Recognized Activities and Sports
Medical Residence Location (Health Science Center students)
Medical Residence Specialization (Health Science Center students)

- Parents have no automatic right of access to student education records at the postsecondary level
- Institutions ***may*** release non-directory information to parents or court-appointed guardians if the student is claimed as a dependent on the parent/guardian's Federal Income Tax return
- A Certification of Dependency form signed by the parent/guardian may be filed with the Office of the Registrar to allow non-directory information to be released to the parent or court-appointed guardian

- The Certification of Dependency form is available on the web at aggie.tamu.edu
 - Verify on COMPASS form SOAFOLK
 - Look for “X” code with description of “Registrar Certified Dependency”
 - Other codes are used for other items and come from applications and other avenues
- Student record access can also be confirmed on Howdy for the student
 - Select “Overview” and any individuals identified by the submission of a Certification of Dependency form are listed under the “Biographic Information”

- Students may provide parents/guardians with appropriate access to view grades and other information via howdy.tamu.edu.
 - *The Office of the Registrar is not responsible for setting or maintaining parent passwords*
- Students may establish parent access to grades and other information even if the parent/guardian has not signed and submitted a Certification of Dependency form

- Spouses have no right of access to a student's records
- The Certification of Dependency form does not cover students' spouses
- Non-directory information (*including class schedule*) may *only* be released to a student's spouse with prior, written consent from the student

Safeguarding the Privacy of Student Records



- Think carefully before disclosing non-directory information by phone.
 - *It is very difficult, if not impossible, to verify the caller's identity, even if the person claims to be a parent who has a signed Certification of Dependency form*
- Do not leave student information visible on your desktop or computer screen when you are away from your desk
- Do not post grades using the SSN or institutional ID number either wholly or in part to identify students.
- Consider privacy issues and IT Security Policy when handling email and associated attachments

Who to Contact with FERPA Questions and Concerns



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