



TEXAS  
**A&M**  
UNIVERSITY  
TEXARKANA

# The Family Educational Rights and Privacy Act of 1974 (FERPA)

by

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# What is FERPA?

- FERPA is a **Federal Law** that protects the privacy of student education records.
- Applies to personally identifiable information in educational records such as student's name, addresses, personal identifiers like social security numbers and other information that make the student's identity easily traceable.
- FERPA applies to all schools of higher education that receive funds under an application program of the U.S. Department of Education.
- FERPA gives parents certain rights with respect to their children's education records. These rights **transfer** to the student when he/she reaches the age of 18 **or** attends an institution of higher education. Students to whom the rights have transferred are "eligible students".
- Covers current and previously enrolled students at a college or university; does not cover applicants who have been denied or who never enrolled.



## Rights granted to students under FERPA

- Right to Inspect and Review records
- Right to Request to Amend Records
- Right to Limit Disclosure of “Personally Identifiable Information” (*Information that would directly identify the student or make the student’s identity easily traceable*)
- Right to file complaint with U.S. Department of Education

## Records that are NOT education records under FERPA

- Sole Possession Records
- Law Enforcement Unit Records
- Employment Records
- Medical Records
- Post-Attendance Records

## Information that is protected under FERPA

- Grades
- Test scores
- I.D. numbers or Social Security Numbers
- Financial Records
- Disciplinary Records
- Class Schedule
- Any identifying data other than Directory Information



# Key Provisions of FERPA

- Students enrolled in post-secondary educational institutions “own” their educational records
- Student educational records are considered **confidential** and **may not** be released without the written consent of the student
- Institutions may, but are not required to, grant access to certain non-directory information in a student’s record if the student is claimed as a dependent on his/her parent’s/guardian’s federal income tax return
- At A&M-Texarkana, a **Certification of Dependency** form must be on file with the Registrar’s Office before non-directory information can be released to a parent/guardian
- 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.



# Key Provisions of FERPA, cont.

FERPA allows institutions to disclose student records, **without consent**, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.



# 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 form – print, tape, film, microfiche, microfilm, digital images, etc.
- Includes registration forms, transcripts, grade reports, class schedules, class rosters, and any document that includes personally identifiable information related to individual students.



# What is Directory Information?

- Information contained in an educational record that would not generally be considered harmful or an invasion of privacy if disclosed
- Must be defined by the institution and made available to students (Registrar website- <http://tamut.edu/Admissions/Enrollment-Services/Registrar/FERPA.html>)
- Directory information can be disclosed **without consent** if the student's record **is not** marked "confidential".
- Information that may be released to outside vendors or agencies if a public records request is received and if a student's record is not marked as "confidential".
- May not be disclosed if the student files a "**Request to Prevent Disclosure of Directory Information**" form with the Registrar's Office to mark the record "confidential".
- Cannot include Social Security Number, student ID, race, religion, national origin, gender, grades, or GPA
- Class schedule is not defined by TAMUT as directory information



# A&M-Texarkana Directory Information\*

- Student's full name
- Addresses- local, permanent
- University email
- Telephone listings- both local and permanent
- Date and place of birth
- Major
- Participation in officially recognized activities and sports
- Photograph
- Dates of Attendance
- Degrees and awards received
- Full or part time status
- Enrollment status (Undergraduate, graduate, classification, etc)
- Most recent previous institution(s) attended

\*The Registrar's Office will notify students each semester, via Ace email, regarding the above directory information. ***Students may withhold directory information by submitting the "Request to Prevent Disclosure of Directory Information".***



# FERPA and Parents' Rights

- Parents have no automatic right of access to student educational records at the post-secondary level.
- Institutions *may* release non-directory information to parents or court-appointed guardians if the student is claimed as a dependent on the parent/guardians Federal Income Tax return.
- A Certification of Dependency form signed by the parent/guardian and student must be on file with the Registrar's Office before non-directory information can be released to the parent or court-appointed guardian.
- Students may provide parents/guardians access to their Web for Students account by supplying their CWID and pin #. (*The Registrar's Office is not responsible for maintaining pin #'s and the student can request to have the pin # reset at anytime*).



# Questions about FERPA?

Contact the Registrar's Office at:

Email: [registrar@tamut.edu](mailto:registrar@tamut.edu)

Phone: (903)-334-6601

University Center, 2<sup>nd</sup> floor, Rm 260

## Resources:

U.S. Department of Education website-

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Registrar Office website: <http://www.tamut.edu/Admissions/Enrollment-Services/Registrar/FERPA.html>