



FERPA AT A GLANCE: A GUIDE FOR FACULTY

Overview:

The Family Educational Rights and Privacy Act (a.k.a. FERPA or the Buckley Amendment) is federal legislation enacted in 1974 that controls student records. It requires institutions accepting federal monies to protect the privacy of student information. FERPA applies to all current and former students of A&M-Texarkana. An institution's failure to comply with FERPA may result in the Department of Education's withdrawal of federal funds. Faculty/staff compliance with FERPA regulations is obligatory.

What rights are 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)

What records are NOT education records under FERPA?

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

Information that is FERPA protected:

- Grades
- Test Scores
- I.D. Numbers or Social Security Numbers
- Financial Records
- Disciplinary Records
- Class Schedule
- Any identifying data other than [Directory Information](#)

Disclosure of information from confidential educational records is limited to the eligible student or to others:*

1. To whom the eligible student releases the records;
2. Who have a legitimate educational interest; and
3. Who are entitled or permitted to know the content of the records by virtue of one or more FERPA exceptions.

* *Legitimate Educational Interest* and *Exceptions* are strictly defined under FERPA, so you should contact the Registrar's Office with any concerns or requests for clarification.



FERPA “Danger Zones” for Faculty (*not related to posting of grades*):

- Circulating a printed class list with student name and Student ID number or grades as an attendance roster.
- Discussing the progress of any student with anyone other than the student without the consent of the student (e.g. parents, employers, other students).
- Providing anyone with lists of students enrolled in your classes for any commercial purpose.
- Providing anyone with student schedules or assisting anyone other than university employees in finding a student on campus.
- Giving out directory information about a student who has requested confidentiality.
- Re-disclosing confidential information to a third party without authorization.
- Including personally identifiable information about student “A” in student “B’s” record without student A’s permission.
- Including FERPA protected information in a letter of reference without the student’s written permission (this includes the student’s GPA or grade in your class).

To avoid FERPA “Danger Zones” related to the posting of grades, MAKE SURE TO:

- Never leave graded tests in a stack for students to pick up by sorting through the papers of all students. You may leave them with an assistant and/or receptionist (***not a student worker***) with instructions to hand them out if the student has proper identification and you may place each test in a sealed envelope with the student’s name on it.
- Never require students to use social security numbers, student ID numbers, birthdays, phone numbers, auto tag numbers, or derivatives of those numbers. Use a pin number that only the professor and the student know.
- Never link the name of a student with that student's ID number in any public manner.
- Never post the grades, even if coded, in alphabetical order or any other recognizable order.
- Post grades only for students who have given written consent for such a posting.
- Never mail grades to students UNLESS consent is received and a self-addressed envelope (no post cards) is supplied by the student.
- Use e-mail as a last resort. While emailing grades is permissible under FERPA, the Department of Education has ruled that an institution will be held responsible for a violation if any unauthorized individual sees the grade via your electronic transmission.
- If you are giving out grades or other FERPA protected information over the phone, make sure that the person you are speaking to is your student. Ask questions that only the student could answer, such as the name of the course, an example of an assignment from the course, or questions that were on the final exam.

WHEN IN DOUBT, DON'T GIVE IT OUT!

Contact Jana Boatright, Registrar, at 903-223-3047 or jboatright@tamut.edu. You may also access [A&M-Texarkana’s FERPA webpage](#) for more information.



FAQs (Frequently Asked Questions)

Is it okay to provide FERPA protected information over the phone after making a reasonable effort to confirm the student's identity?

FERPA does not specifically prohibit a school from disclosing personally identifiable information from a student's education records over the telephone, it does require that the school use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the school discloses personally identifiable information from education records. (34 CFR §99.31(c)).

The university is responsible if a violation occurs so the university should ensure that it has an appropriate system in place to identify and authenticate the requestor's identity.

Is it okay to use Blackboard/Acemail (university provided e-mail) to communicate FERPA protected information with students?

Yes, as this provides the university with a means through which to verify student identity.

Can student workers input grades/handle FERPA protected information?

No, student workers are not considered school officials and should not have access to FERPA protected information.

May an educational agency or institution disclose directory information without prior consent?

Education records that have been appropriately designated as "directory information" by the educational agency or institution may be disclosed without prior consent. See 34 CFR §§ 99.31(a)(11) and 99.37. FERPA defines directory information as information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. 34 CFR §99.3. [A&M-Texarkana Directory Information](#).

FERPA provides that a school may disclose directory information if it has given public notice of the types of information which it has designated as "directory information," the parent or eligible student's right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information designated as "directory information." 34 CFR § 99.37(a). A school is not required to inform former students or the parents of former students regarding directory information or to honor their request that directory information not be disclosed without consent. 34 CFR § 99.37(b). However, if a parent or eligible student, within the specified time period during the student's last opportunity as a student in attendance, requested that directory information not be disclosed, the school must honor that request until otherwise notified.



If I am a parent of a college student, do I have the right to see my child's education records, especially if I pay the bill?

The rights under FERPA transfer from the parents to the student, once the student turns 18 years old or enters a postsecondary institution at any age. However, although the rights under FERPA have now transferred to the student, a school may disclose information from an "eligible student's" education records to the parents of the student, without the student's consent, if the student is a dependent for tax purposes. Neither the age of the student nor the parent's status as a custodial parent is relevant. If a student is claimed as a dependent by either parent for tax purposes, then either parent may have access under this provision. (34 CFR §99.31(a) (8)).

Who is a "school official" under FERPA?

A school official is a person or entity: (a) employed by the university or the university system in an administrative, supervisory, academic or research, or support staff position; (b) serving on a university governing body or duly authorized panel or committee; or (c) employed by or under contract to the university to perform a special task, function, or service for the university.

What constitutes "legitimate educational interest?"

According to the US Department of Education, a school official has a legitimate educational interest if the information requested is necessary for that official to (a) perform appropriate tasks that are specified in his/her position description or in the performance of regularly assigned duties by a lawful supervisor; (b) fulfill the terms of a contractual agreement; (c) perform a task related to a student's education; (d) perform a task related to the discipline of a student; or (e) provide a service or benefit relating to the student or student's family, such as health care, financial aid, job placement, or former student-related activities. *Legitimate educational interest does not convey inherent rights to any and all student information.*