

# WHAT IS FERPA?

*f* Family Educational Rights and Privacy Act of 1974, as amended

*f* Also known as the Buckley Amendment

## WHO MUST COMPLY WITH FERPA?

*f* Educational agencies and institutions that receive funds under any program administered by the United States Secretary of Education

# WHAT DOES FERPA REQUIRE FOR COMPLIANCE

Protect privacy of education records

Notify students annually of their FERPA rights

Ensure students' rights to inspect and review their education records

Ensure students' rights to request to amend incorrect education records

Ensure students' rights to limit disclosure of personally identifiable information in education records

Ensure that third parties do not disclose personally identifiable information

Maintain records of requests for and disclosures of student education records

# WHO IS PROTECTED UNDER FERPA?

Currently and formerly enrolled students of a postsecondary institution  
Students officially registered for at least one class that has begun

All students in attendance:

- Continuing education students

- Students auditing a class

- Distance education students

- Students participating via videoconference, the Internet, or any other technological method

FERPA rights continue after students leave the institution and are only terminated upon student death

## WHO IS NOT PROTECTED UNDER FERPA?

Applicants denied admission to the institution

Accepted applicants who never attend the institution

# WHAT ARE EDUCATION RECORDS UNDER FERPA?

Defined as:

Directly relating to the student, maintained by the educational agency or institution, or by a party acting for the agency or institution

# WHAT ARE NOT EDUCATION RECORDS UNDER FERPA?

Private notes kept in sole possession of the maker, used as a memory aid, not accessed or revealed to any other person

Law enforcement records maintained by the law enforcement unit of an educational agency or institution, used solely for law enforcement purposes, revealed only to law enforcement agencies (subject to provisions)

Medical records created by a health care professional used only for the medical/health treatment of the student

Grades on peer-graded papers before collected and recorded by the instructor

Records relating to a person after that person is no longer a student at the institution (e.g. information gathered on the accomplishments of an alumni)

# LEGITIMATE EDUCATIONAL INTEREST

A school official is able to view education records if they have legitimate educational interest defined as performing a task:

Specified in their position description or contractual agreement

Related to the student's education

Related to discipline of the student





# WHAT IS DIRECTORY INFORMATION?

Directory information may be released by the appropriate school official without the

# RESTRICTION OF RELEASE OF DIRECTORY INFORMATION

Students have the right to file a written request with University (Records Office) to restrict listing of directory information in the University address directory.

The restriction remains in effect until the student submits a written request to cancel the original request.

If a student does not want Loyola to disclose directory information, they must notify the University annually:

Send a written and signed letter to

Records Office

Loyola University Maryland

Maryland Hall, Room 141

4501 North Charles Street

Baltimore, MD 21210

Send email, from student @loyola.edu account, to [dpeterson@loyola.edu](mailto:dpeterson@loyola.edu)

# FERPA FOR FACULTY

## Do Not:

Use all or part of student Social Security Number or Identification Number, or other personally identifying information in a public posting of grades including a class/institutional website ~~with~~ public posting of grades for students taking distance education (online) courses

Leave graded exams, papers, lab reports, or other graded assignments, in a stack for students to select theirs by sorting through all student work

Discuss student progress with anyone other than the student, including parents/guardians without student written consent, unless the school official has a \_\_\_\_\_

# LETTERS OF RECOMMENDATION

Written release from the student is required when:

personally identifiable information obtained from student educational records are included in the recommendation such as grades or GPA. The writer must:

Obtain a signed release from the student which:

Specifies the records that may be disclosed

States the purpose of the disclosure

Identifies the party or class of parties to whom the disclosure can be made

Written release from the student ~~is~~ required when:

Statements made by the person writing the recommendation are made from their personal observations or knowledge

Letters of Recommendation are part of the student's education record, the student has the right to read it unless they have waived that right of access

# FERPA FOR PARENTS

When a student reaches eighteen years of age or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from parent to student

How can parents or legal guardians gain access to academic or financial records of their child?

If student is a dependent for federal income tax purposes and parent provides proof of child's dependency

If student provides written consent to release directory information to custodial or non-custodial parent

In divorce cases, if custodial parent provides copy of divorce decree stating non-custodial parent rights to non-directory information of child