

FAMILY EDUCATIONAL RIGHTS and PRIVACY ACT INFORMATIONAL GUIDELINES

FERPA

What is FERPA?

The *Family Educational Rights and Privacy Act of 1974* helps protect the privacy of student educational records. The *Act* provides for the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The *Act* applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.

What rights does FERPA afford students with respect to their educational records?

- The right to inspect and review their educational records within 45 days of the day the university receives a written request for access.
- The right to request an amendment to the student's education records that the student believes are inaccurate or misleading.
- The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-5920

Who is protected under FERPA?

Students who are currently enrolled or formerly enrolled regardless of their age or status with regard to parental dependency. Students who have applied but have not attended an institution and deceased students do not come under FERPA.

What are education records?

With certain exceptions, an education record is any record

- 1) from which a student can be personally identified and
- 2) maintained by the university. A student has the right of access to these records.

Education records include any records in whatever medium (handwritten, print, magnetic tape, film, diskette, etc.) that are in the possession of any school official. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

What is not included in an education record?

- Sole possession records, or private notes held by school officials that are not accessible or released to other personnel.
- Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit.
- Records relating to individuals who are employed by the institution (unless contingent upon attendance).
- Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
- Records of an institution that contains only information about an individual obtained after that person is no longer a student at that institution, i.e., alumni records.

What is directory information?

Institutions may disclose information on a student without violating FERPA if it has designated that information as “directory information”. At Bowie State University this includes a student’s:

- school or division of enrollment
- periods of enrollment
- degrees awarded
- honors
- major field

How does a student authorize release of their education record in the form of an academic transcript?

Students must authorize the release of their transcript by written request with signature or by completing and signing a transcript request form available on line. There is no fee for transcripts except for While-U-Wait transcripts which are processed for a fee of \$10.00 on Wednesday.

Who may have access to student information?

- The student and any outside party who has the student’s written request.
- School officials (as defined by the University) who have “legitimate educational interests.”
- Parents of a dependent student as defined by the Internal Revenue Code.
- A person in response to a lawfully issued subpoena or court order, as long as the University makes a reasonable attempt to notify the student first.

When is the student’s consent not required to disclose information? When the disclosure is:

- To school officials (defined in policy) who have legitimate educational interest
- To federal, state, and local authorities involving an audit or evaluation of compliance with educational programs
- In connection with financial aid; this includes Veterans benefits
- To organizations conducting studies for or on behalf of educational institutions
- To accrediting organizations
- To parents of a dependent student
- To comply with a judicial order or subpoena
- In a health or safety emergency
- Releasing directory information
- Releasing the results of a disciplinary hearing to an alleged victim of a crime if violence

