



TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER
Office of the Registrar™

Family Educational Rights and Privacy Act (FERPA)



Family Educational Rights and Privacy Act (FERPA) Training

FERPA 001





What is FERPA?

The Family Educational Rights and Privacy Act of 1974, commonly known as FERPA, is a federal law governing the privacy of educational records. It grants specific rights to students (both domestic and international) and sets restrictions on how schools may handle educational records. FERPA requires that schools obtain written permission from students before releasing educational records. In certain well-defined circumstances, some information may be released without written permission from the student.





FERPA Student Rights:



- The right to see educational records the school is keeping on the student **within 45 days of the request.**
- The right to seek amendment to those records.
- The right to consent to any disclosure of those records.
- The right to obtain a copy of the school's Student Records policy.
- **The right to file a complaint** with the FERPA office in Washington, D.C.
(<http://www.ed.gov/policy/gen/guid/fpco/index.html>)

The FERPA rights of a student begin when the student registers and attends his/her first class.





FERPA Student Rights *(continued)*:

FERPA requires universities to provide students with annual notification of these rights. The Texas Tech University Health Sciences Center notification appears in each of the six school catalogs and the Student Handbook.

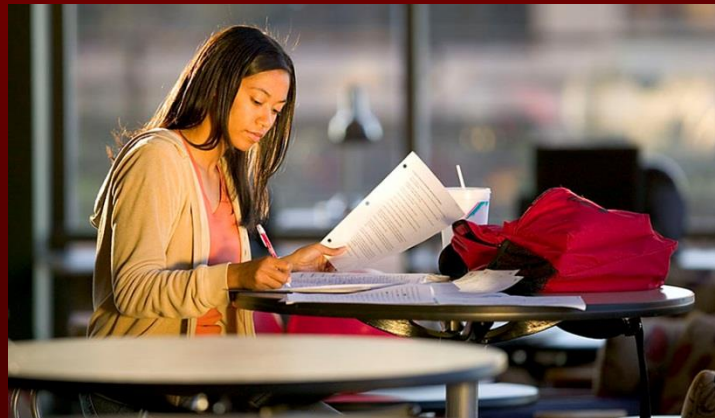
Students who suspect that a FERPA violation has occurred should contact the Texas Tech University Health Sciences Center Registrar (806-743-2300) or they can contact the **Family Policy Compliance Office within the United States Department of Education (800-877-8339)**.





FERPA Parental Rights:

- When the student turns 18 or **begins attending an institute of higher education**, all FERPA rights transfer to the student.
- A parent may have access to records if the student is claimed as a dependent for Federal income tax purposes, but must have their dependent complete the **“Student Consent to Release Education Records”** form (<http://www.ttuhscc.edu/hsc/op/op77/op7713a.pdf>) and submit it to the Office of the Registrar.





FERPA Spousal Rights:

A spouse has NO rights under FERPA to access a student's records, unless the student has given written authorization by completing the "Student Consent to Release Educational Records" form (<http://www.ttuhscc.edu/hsc/op/op77/op7713a.pdf>) and submit it to the Office of the Registrar .





What are Educational Records?

Records that directly relate to a student and are maintained by the Texas Tech University Health Sciences Center or by a party acting for the University.

This includes any information or data recorded in ANY medium including, but not limited to: handwriting, print, tapes, film, microfilm, microfiche and any electronic storage or retrieval media.

Examples:

- Registration forms
- Grades
- Class assignments
- Any paper with the student's ID on it
- Transcripts
- Student schedules
- Class rosters
- Student information displayed on your computer screen





Educational Records do not include

(see HSC OP 77.13):

- **Private/Personal Notes** – written by individual faculty or staff member and kept in “sole possession” of the one who made the record.
- **Campus Police Records**
- **Medical Records**
- **Employment Records**
- Aggregate (statistical) records that contain no personally identifiable information about any student.
- **Alumni Records**





Be Aware!

The contents of an educational record may appear in a variety of forms, such as :

- Handwritten document
- Computer file
- Computer screen
- Printout
- Image





What documents does a student NOT have a right to see?

- **Financial information submitted by parents**
- **Confidential letters and recommendations placed in the student's file before 1/1/75**
- **Confidential letters, etc. associated with admissions, employment, job placement or honors to which a student has waived rights of inspection and review**
- **Educational records containing information about other students such as**
 - **Grades**
 - **Test scores, etc.**





Release of Educational Records

TTUHSC will disclose information from a Student's Education Records only with the written consent of the Student (Student Consent to Release Education Records form, HSC OP 77.13; attachment A), except for disclosures in the following situations.

- 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
- State and local authorities, within a juvenile justice system, pursuant to specific State law





Limitations on Administrators:

- May not improperly disclose personally identifiable student information
- May not decide whether or not to authorize release of a students' records (student has the exclusive right to decide)
- May not release information to anyone who wants it.

If a third party outside TTUHSC permits access to information or fails to destroy information in violation of FERPA, TTUHSC will prohibit the third party access to information from educational records for a period of not less than five years.





What is Personally Identifiable Information?

Personally identifiable information is any information that identifies or describes a student. It includes, but is not limited to, a student's name, the name of a student's parent or other family members, the address of a student or student's family, any personal identifier such as a **student's social security number or student ID**, and any personal characteristics or other information that would make a student's identity easily traceable.





What does 'legitimate educational interest' mean?

Legitimate educational interest is a demonstrated 'need to know' by those officials of Texas Tech University Health Sciences Center who act in the student's educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student record information including student employees or agents.

Subpoenas/Court Orders

All lawfully issued subpoenas or court orders for the release of student information must be forwarded to the Office of the Registrar for processing. FERPA requires that an attempt be made to contact the student so that the student has time to challenge the request for information (unless the request specifically prohibits notifying the student). Unless advised to the contrary by General Counsel or by court order, the requested information will be released.

Health and Safety Emergencies

FERPA permits the disclosure of information from student educational records "to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals." For example, if a student sends an e-mail to his resident assistant saying that he has just been diagnosed with a highly contagious disease such as measles, the institution could alert the student's roommate, and perhaps others with whom the student has come in close contact, to urge them to seek appropriate testing and medical care. Safety concerns warranting disclosure could include a student's suicidal statements or ideations, unusually erratic and angry behaviors, or similar conduct that others would reasonably see as posing a risk of serious harm.





What is directory information?

Directory information is the information available about a student that is not considered harmful or an invasion of privacy if disclosed. While FERPA protects the privacy of educational records, directory information is not treated as confidential and may be disclosed by the university without student consent unless the student requests confidentiality. At Texas Tech University Health Sciences Center, directory information includes:

- Student's name
- Weight and height of members of athletic teams
- Degrees and awards received
- Major field of study
- Address
- Participation in officially recognized activities and sports
- Dates of attendance
- Most recent previous educational agency of institution attended by the student





What is non-directory information?

Non-directory information refers to information that generally cannot be released without the student's consent. This includes:

- Race
- Gender
- Account balance
- GPA
- Religion
- Social security number
- Credits earned
- Grades
- Country of citizenship
- Student ID number





Information Over the Phone

- FERPA does not preclude an institution from disclosing non-directory information from a student's educational records to that student by telephone. However, the TTUHSC Office of the Registrar policy states that only directory information may be released over the telephone.

Media Releases

- University employees should follow university policy regarding the release of information to the media. FERPA does not allow Texas Tech University Health Sciences Center to discuss a student's educational record publicly -- even if the information is a matter of public record. A school official may not assume that a student's public discussion of a matter constitutes implied consent for the disclosure of anything other than directory information in reply. However, if confidentiality status has been requested, then no information may be included in the reply.





Information Via E-mail

- The University recommends that all non-directory information should be transmitted by e-mail only through the official Texas Tech University Health Sciences Center email account (@ttuhsc.edu). The institution could be held accountable if an unauthorized third party gained access, in any manner, to a student's educational record through any electronic transmission method. Emails should be limited to communication between the University employee and the individual student, or between University employees with a 'legitimate educational interest' in the student about whom the e-mail is concerned.
- No information about that particular student should be included in an email sent to all members of a class or organization in which that student participates.
- Identifying information should not be used in the subject line of an email.





Photos

- The public posting of student photos in which the student is identified in some way is prohibited. The University publishes pictures of students in brochures, posters, web pages, etc but does not, without consent, identify the individual.

Letters of Recommendation

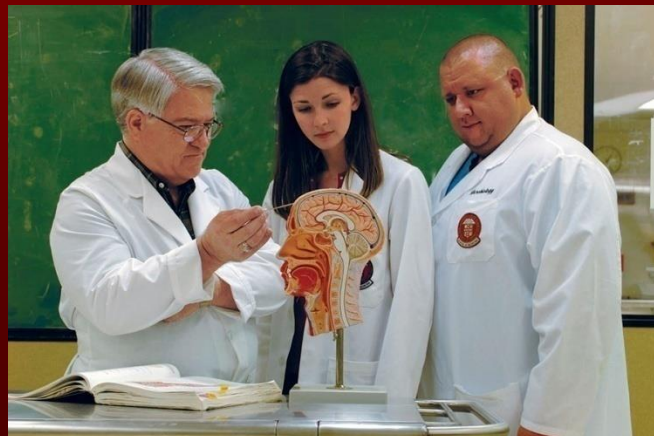
- Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if non-directory information obtained from a student's educational record is included in a letter of recommendation (grades, GPA, etc), the writer is required to obtain written permission from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or parties to whom the disclosure can be made. The permission must also be signed and dated by the student.
- If kept on file by the person writing the recommendation, it would be part of the student's educational record and student has the right to read it unless he or she has waived that right of access.





Posting of Grades by Faculty

The public posting of grades either by the student's name, institutional student identification number, or social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class/university website and applies to any public posting of grades for students taking distance education courses. However, if the instructor posts grades in such **a manner that only the instructor and the individual student know** the posted grade (e.g., with a personal ID; but not any portion of the Student ID), that is acceptable.





Retention/Storage

- Non-directory information should not be left accessible, unattended or stored in an unsecured environment. Information on a computer system should be treated in the same way as printed material. This applies to data files on hard/jump drives, CDs, etc.



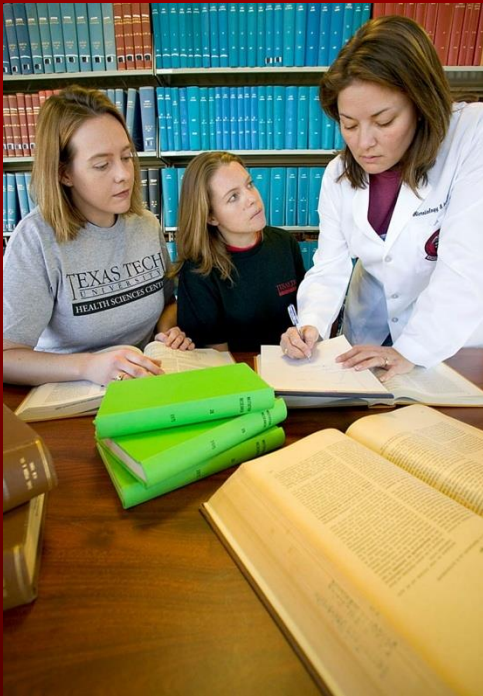
Purging of Records

The University may not purge any education records if there is an outstanding request to inspect or review the records.





What about directory information at the Texas Tech University Health Sciences Center?



Throughout the Texas Tech University System, the default is set to release directory information. However, a student can request that his/her directory information not be released via a written request, prior to the 12th class day of the Fall semester, to the TTUHSC Registrar's Office for printed directory and via the student information system any time throughout the year for the on-line directory.





Basic Rules to Remember

- Student Educational Records are considered confidential and may not be released without written consent of the student.
- As a faculty or staff member, you have the responsibility to protect Educational Records in your possession.
- “Directory Information” is information that is considered public and can be released without written permission unless the student opts to withhold the information.
- If you are ever in doubt, do not release the information and contact the **Office of the Registrar at 806.743.2300.**





Special Hints for Faculty

To avoid violations of FERPA rules, DO NOT:

- use any part of the Social Security Number or ID number in a public posting of grades.
- link the name of a student with that student's social security number or ID number in any public manner.
- leave graded tests in a stack for students to pick-up that requires sorting through the papers of all students.
- circulate a printed class list with student names and social security numbers or grades as an attendance roster.
- discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.
- discuss student information in a public setting, including a shared office.
- provide anyone with lists of students enrolled in your classes for any purpose.
- provide anyone with student schedules or assist anyone other than University employees in finding a student on campus.





**When in doubt,
don't give it out!**

If you have any question on what you can or cannot release check with your supervisor, the Registrar's Office, the Assistant Vice President for SSRFA, or the General Counsel.





You will now continue with the training and take a 15-question multiple choice quiz. You must pass by 70% (12 questions) to receive your FERPA Training Certification.

Good Luck!

When you click the exit button below to begin the quiz, you will first need to close the PowerPoint screen before proceeding.