



What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the privacy of student records. This law applies to postsecondary institutions as well as K-12 schools.

FERPA governs:

- The disclosure of education records maintained by an educational institution; and
- Access to these records.

Who must comply with FERPA?

Any educational institution (school or other entity that provides educational services and is attended by students) or educational agency (entity that administers schools directly linked to it) that receive funds under any program administered by the U.S. Secretary of Education.

What does FERPA require colleges to be in compliance?

Institutions must notify students annually of their FERPA rights.

There is no specific method that schools must use to notify students—it is up to the institution. Notice must take a form that is "reasonably likely" to notify students. Recommended and most frequently used always include: student bulletin, handbook or catalog; school or local newspaper; student registration packet; email notice of basic issues with a link to additional information.

- Ensure students' rights to inspect and review their education records.
- Ensure students' rights to request to amend their education records.
- Ensure students' rights to limit disclosure of personally identifiable information contained in education records.
- Notify third parties of the redisclosure prohibition of personally identifiable information (except under a few circumstances).
- Keep records of requests for and disclosures of student education records.

Who has FERPA rights at the postsecondary level?

- FERPA rights belong to the student at a postsecondary institution regardless of age.
- Student applies to all students—including continuing education students, students auditing a class, distance education students, and former students.
- In attendance can be defined by the institution, but it cannot be later than the day that the student first attends a class at the institution.

What FERPA rights are given to students?

- Right to inspect and review their education records.
- Right to request to amend their education records.
- Right to limit disclosure of "personally identifiable information" (information that would directly identify the student or make the student's identity easily traceable) known as directory information.
- Right to file a complaint with the Department of Education concerning an alleged failure by the institution to comply with FERPA.

What are education records under FERPA?

- Education records are defined as records that are:
 - Directly related to a student, and
 - Maintained by an educational agency or institution or by a party acting for the agency or institution, if certain conditions are met.
- Education records are not: sole possession records, law enforcement unit records, employment records, medical records, or post-attendance records.

To whom, and under what conditions, can colleges disclose personally identifiable information?

- Anyone, if the college has obtained the prior written consent of the student
- Anyone, in response to requests for directory information (information that is generally not considered harmful or an invasion of privacy if disclosed)
- Institutions must identify those items it considers directory information and notify students.
- Institutions must inform students that they can withhold release of this information.
- Authorized representatives of the following government entities, if the disclosure is in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs:
 - Comptroller General of the U.S.
 - Secretary of Education
 - U.S. Attorney General (for law enforcement purposes only)
 - State and local educational authorities
 - School officials determined by the institution to have a legitimate educational interest
 - Agents acting on behalf of the institution (e.g. contractors, consultants)
 - Schools in which the student seeks or intends to enroll (additional conditions exist)
 - A party, such as the Department of Veteran's Affairs or an employer, providing financial aid to the student ("financial aid" does not include any payments made by parents); (additional conditions exist)

- Organizations conducting studies for or on behalf of educational institutions (additional conditions exist)
- Accrediting organizations for accreditation purposes
- Parents of a dependent student (as defined by the IRS code)
- Parents when their student (under 21) is found to have violated the alcohol or drug policy of the institution
- To comply with a judicial order or subpoena, including ex parte orders under the USA Patriot Act
- Appropriate parties if a health or safety emergency exists and the information will assist in resolving the emergency (additional conditions exist)
- The student
- An alleged victim of a crime of violence when the disclosure is the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime
- Anyone requesting the final results of a disciplinary hearing against an alleged perpetrator who has been found in violation of the campus code relating to a crime of violence or non-forcible sex offense
- The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) for purpose of complying with Request Form ICE relative the institution's participation in SEVIS
- Military recruiters who request "Student Recruiting Information" for recruiting purposes only (Solomon Amendment). Student recruiting information is name, address, telephone listing, age (or year of birth), class level, major, degrees received and most recent educational institution of enrollment. (conditions exist)
- The Internal Revenue Service (IRS), for purposes of complying with the Taxpayer Relief Act of 1997
- Anyone, when the disclosure concerns information provided by sex offenders required to register under state or federal law

What is Directory Information?

Directory Information is defined as that information contained in an education record of the student that generally would not be considered harmful or an invasion of privacy if disclosed.

The following is considered DIRECTORY INFORMATION and Sacramento State may release and make available to the public UNLESS notified by the student to withhold release of this information:

- student's name
- likenesses used in university publications including photographs
- major field of study
- class level
- dates of attendance (only with permission from University Registrar)
- enrollment status (part/full-time)
- degrees earned
- awards and honors (e.g. Dean's Honor List) received
- participation in University recognized activities and sports
- weight and height of members of athletic teams
- most recent educational agency or institution attended by the student

All requests for Directory Information are to be referred to the Office of the University Registrar for review.

How does technology impact FERPA guidelines?

As we move toward an environment with less paper, it is important to note that the same principles of access and confidentiality must be applied to all media, including but not limited to, electronic data, email, and video or audio tapes.

What happens if a college does not comply with FERPA?

The Department of Education may issue a notice to cease the non-compliance and could ultimately withhold funds administered by the Secretary of Education.

Where can I get more information regarding FERPA?

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-5901

Phone (202) 260-3887

Fax (202) 260-9001

Email: ferpa@ed.gov

[FERPA Website](https://www2.ed.gov/policy/gen/guid/fpco) <https://www2.ed.gov/policy/gen/guid/fpco>

Assistance is also available from [AACRAO website](https://go.aacrao.org/2018.11/ferpa) <https://go.aacrao.org/2018.11/ferpa> and [AACRAO email](mailto:pubs@aacrao.org) pubs@aacrao.org.

