

A FERPA Final Exam

Confidentiality and Student Education Records

This examination is designed to test your knowledge of the Family Educational Rights and Privacy Act of 1974 as Amended (FERPA). The first section is True/False. Mark either T or F on each line next to the statement. (An answer key is included at the end of this document.)

1. A student's degree can be confirmed to some external (outside of your college) source without first obtaining the permission of the student as long as "degree" is identified by the institution as directory information.
2. A student has a right to inspect information in his or her file in the Registrar's Office and in his or her department.
3. It is permissible for a professor to post student grades on an office door if only a student's social security (I.D.) number is used.
4. The registrar may release information about a student without the student's written permission upon receipt of a subpoena.
5. Parents may obtain confidential information from their student's academic record.
6. Your college must annually notify students of their rights under FERPA.
7. In a legal separation or divorce situation, biological parents have equal standing with custodial parents to gain access to the student's education records.
8. Faculty have a right to inspect education records of any student attending your college without giving a reason.
9. Student representatives on committees (e.g., honors, curriculum, etc.) may have the right to see other students' education records during the deliberations of that committee.
10. An institution which designates certain items as "directory information" must give students the opportunity to decline to have any of that information so designated.
11. It is permissible to distribute graded examinations by placing them on a table for students to pick up after class.
12. E-mail addresses can be considered directory information.
13. "Student recruiting information" under the Solomon Amendment is the same as "directory information" under FERPA.
14. It is permissible for a faculty member to include a student's grades and GPA in a letter of recommendation without obtaining the student's written permission since the student requested the faculty member to write the recommendation and provided a copy of her resume with the requested information to the faculty member.
15. Former students of an institution of higher education have the right to request that their education records not be disclosed, and the institution must comply.
16. Currently attending students of an institution of higher education have the right under FERPA to request that all of their education records not be disclosed, and the institution must comply.

17. _ A student's written permission is required before an institution releases information to a national research organization conducting a study on the advantages and disadvantages of selective admissions.
18. _ An institution must release to anyone upon request any information identified as directory information by the institution.
19. _ Grades may be released to a student's employer without the student's written permission if it has been determined that the employer will reimburse the student/employee for any grade of "C" or better.
20. _ It is permissible for an employment agency not connected with your institution to share a student's transcript with a prospective employer as long as the student has given written permission to the institution to provide the transcript to the employment agency.
21. _ A former student has the same right to inspect and review his record as a student currently attending the institution.

Multiple Choice

(Place the letter of the most accurate response on the line to the right of the question number.)

22. _ An institution must permit a student to review his records within how many days from the day the student requests the review?
- a. 10 days
 - b. 20 days
 - c. 25 days
 - d. 30 days
 - e. none of these
23. _ Which of the following is not identified in the original FERPA (the Act) as being an example of "directory information"? The student's
- a. name
 - b. date of birth
 - c. e-mail address
 - d. dates of attendance
24. _ Directory information may include all of the following except the student's
- a. photograph
 - b. major
 - c. class schedule
 - d. country of citizenship
25. _ You receive a phone call asking to verify (1) that a currently enrolled student: attends your institution, (2) what his address was at the time of attendance, (3) his date of birth, and (4) his GPA. According to FERPA, you can verify all of these except the student's
- a. attendance at the institution
 - b. address during the time of attendance
 - c. date of birth
 - d. GPA

Bonus: Before you respond to the caller in Question 25, what must you determine about the student?

26. _ A faculty member asks one of your staff for the names of all of the graduates in his program since its beginning in 1980. Which of the following statements is true?
- The faculty member can legally obtain this information under FERPA as long as he has written permission from the dean (or designee).
 - The faculty member cannot legally obtain this information since it is excluded from FERPA.
 - The faculty member must provide a valid reason for obtaining the information.
 - The faculty member is not entitled to all of the information since FERPA does not permit release of this information on students not currently attending the institution.
27. _ Question 26 is an example of the exercise of:
- legitimate educational interest.
 - eminent domain.
 - permissible exclusion.
 - informational exclusivity.
 - non-disclosure.
 - implied consent.
28. _ FERPA requires institutions to obtain which of the following from the student before releasing any directory information:
- written permission
 - verbal permission
 - certified permission
 - consensual permission
 - none of the above
29. _ A transcript request form completed by a student:
- must be kept by the institution indefinitely.
 - does not have to be kept by the institution for any period of time.
 - does not have to be kept by the institution for more than one year from the date of the request.
 - must be kept by the institution if the transcript is sent to a third party which the student has identified in the transcript request.
30. _ “Legitimate educational interest” refers to:
- a school official’s need to review a student’s education records.
 - a student’s right to review his education records.
 - the need to provide education records in child custody cases.
 - the delegation of authority to the trustees to determine educational records policy for the institution.
31. _ As defined in FERPA, “legitimate educational interest” refers to:
- a faculty member’s need to provide feedback to students in the form of grades/evaluations.
 - the registrar’s need to obtain education record information from faculty to produce a student’s transcript.
 - a school official’s right to obtain information only about students he is advising or teaching during the current year.
 - a school official’s need to review student education record information to fulfill a responsibility as part of her contract.
32. _ Which of the following would not be acceptable under FERPA?
- releasing the title of a congressman’s degree to the local newspaper
 - the provost having access to all students’ education records
 - notifying students of their FERPA rights via the student handbook
 - a faculty member announcing to his class that they can pick up their graded term papers from the chair outside his office
33. _ “School official” is to “legitimate educational interest” as “student” is to:
- handbook
 - directory information

- c. faculty
 - d. social security number
34. _ According to FERPA, students may request that institutions not disclose which of the following about them:
- a. directory information
 - b. non-directory information
 - c. both directory information and non-directory information
 - d. incidental information
 - e. education record information
35. _ At the K-12 level, parents:
- a. have the same FERPA rights given to students attending an institution of higher education.
 - b. cannot review their child's records without first receiving permission from their child.
 - c. have no FERPA rights since FERPA applies only to higher education.
 - d. can only review test scores of their children.
36. _ Which of the following is not an "education record" under FERPA?
- a. a student's traffic violation
 - b. a student's term paper
 - c. a student's e-mail address
 - d. the women soccer team's roster showing home town, height, weight, and current class of team members
 - e. a work-study student's work record
37. _ At the college level, FERPA states that parents:
- a. have the same rights of access and review as their child.
 - b. can only see their child's records after receiving permission from the dean of students (or designee).
 - c. may receive tuition bills for their child sent directly to them from the institution.
 - d. may review their child's grades if they can prove that the student is legally their dependent.
38. _ FERPA rights:
- a. pass from parents to student when the student attains the age of 18.
 - b. pass from parents to student when the student begins attending an institution of higher education.
 - c. are shared equally by parents and student at the higher education level.
 - d. apply only to parents of students attending colleges and universities.
 - e. apply only to students attending institutions of higher education.
 - f. a and b only
 - g. a and e only
 - h. b and e only
39. _ "Parent" is to "eligible student" as "K-12" is to:
- a. college.
 - b. legitimate educational interest.
 - c. FERPA.
 - d. personally identifiable.
 - e. K-9.
40. _ The FERPA rights of a student begin:
- a. when the application for admission is received.
 - b. when the student is formally admitted.
 - c. when the student pays his first tuition bill.
 - d. when the student is "in attendance" as defined by the institution.
41. _ An education record is:
- a. a list of names of students in a class.
 - b. a copy of a student's sat scores in his file.
 - c. an electronic notation of a grade in a class recorded by an instructor.

- d. a recommendation of a professor that is kept in the professor's file only and not shared with anyone.
 - e. a and b only
 - f. a, b, and c only
 - g. none of the above
 - h. all of the above (a, b, c, d)
42. _ To be an "education record," a piece of information must be:
- a. personally identifiable to a student.
 - b. maintained by the institution.
 - c. kept in the registrar's office.
 - d. made available to the law enforcement unit.
 - e. a and b only
 - f. a, b, and c only
 - g. a and d only
43. _ FERPA
- a. permits institutions, through the "implied consent" rule, to disclose non-directory information about a student if the student has publicly disclosed non-directory information about himself.
 - b. permits disclosure of non-directory information to the press based on the Privacy Act.
 - c. permits disclosure of non-directory information to other school officials through the "implied consent" rule.
 - d. permits disclosure of non-directory information to a representative of an insurance company who has been designated by the institution to recommend a new student health insurance policy.
44. _ Which of the following is required from students by FERPA before releasing information about them?
- a. verbal consent to release the information
 - b. written permission, unless the release is covered by any exception listed in FERPA
 - c. verbal consent from the student's advisor
 - d. written consent from the parents of a dependent student
45. _ Institutions may release information to parents:
- a. by obtaining the student's written permission.
 - b. by having the parents establish the student's dependency according to the IRS Code of 1986.
 - c. through a legally issued subpoena.
 - d. all of the above
 - e. a and b only
46. _ Records of disclosures of student information must be kept for requests from and releases to:
- a. students for their own use.
 - b. school officials.
 - c. members of the Board of Trustees.
 - d. individuals seeking directory information.
 - e. work-study students who have a need to access other students' records as a result of their employment in an office of the institution.
 - f. all of the above (a, b, c, d, e)
 - g. none of the above
47. _ FERPA applies to the following institutions:
- a. public
 - b. private
 - c. religious
 - d. public and private
48. _ In publishing a student directory that includes students' home addresses, is the institution in violation of FERPA?
- a. yes

- b. no
- c. depends

If you chose c., what is your reason?

49. Upon receiving a subpoena, you must:
- a. notify the student in all cases that you have received the subpoena.
 - b. determine if the subpoena has jurisdiction over your institution before complying.
 - c. notify the server of the subpoena that you will comply within ten working days.
 - d. notify the student's parents that you have received it.
50. A student has the right to review which of the following information about him that is maintained by the institution:
- a. parental financial information
 - b. letters of recommendation
 - c. law enforcement unit records
 - d. admissions records related to the denial of his application into another college of the institution
 - e. all of the above
51. Which of the following is not a student's right under FERPA?
- a. the right to request that the institution discontinue use of his or her social security number as a personal identifier
 - b. the right to limit disclosure of directory information
 - c. the right to request an amendment to his or her education record
 - d. the right to inspect and review his or her education records
52. Would the following would be an acceptable release of student information without the student's written permission? (Enter "Y" for yes or "N" for no next to each letter.) (1 point each.)
- a. to the student
 - b. to the state controller's office in relation to an audit of a state-funded program
 - c. to the student's advisor
 - d. to potential employers attempting to verify grades, class rank, and degree received
 - e. to a custodial parent who is paying the student's tuition
 - f. to an officer of a court in response to a legally issued subpoena
 - g. to parents of a student, regarding an alcohol violation by the student at the institution
 - h. to the student newspaper, regarding the final results of a student disciplinary hearing
 - i. to an institution at which the student intends to enroll, and the request is for the student's GPA
 - j. to the town's local law enforcement office, inquiring whether the student is in attendance this semester
53. All items below are found in various offices of the institution; would they be considered education records? (Enter "Y" for yes or "N" for no next to each letter.)
- a. an examination paper of a student with his name on it
 - b. a class roster with all students' names on it
 - c. a traffic violation of a student kept in the institution's security office
 - d. the honor roll list
 - e. the annual giving record of an former student
 - f. a note made by a faculty member of an advising session with a student
 - g. notes taken by the institution's affirmative action officer when interviewing students regarding a sexual harassment charge made against a faculty member

- _ h. student photographs on a department's bulletin board identifying the majors in that department
- _ i. medical records made and maintained by the university's contracted doctor related to the treatment of a student
- _ j. the employment records of an individual who is a full-time employee of the institution and also a part-time student
- _ k. scores of a student who took the Test of English as a Foreign Language (TOEFL)
- _ l. test scores of a group of students identified only by ID# and kept in a faculty member's office files only
- _ m. a faculty member's note about a student having an epileptic seizure in one of his classes and kept in his locked office files
- _ n. financial information on a student's parents filed in the Financial Aid Office

Bonus: Why is it important to identify what is and is not an education record?

54. Would the following requests made by currently enrolled students be specifically granted by FERPA? (Enter "Y" for yes or "N" for no next to each letter to indicate whether FERPA allows you to comply with the request.)

- a. inspect their education records
- b. a copy of any education record
- c. amend an education record
- d. non-disclosure of directory information
- e. non-disclosure of non-directory information
- f. have a hearing to amend an education record
- g. prevent parents from viewing education records
- h. forward to his attorney any subpoenas received by the college for his education records

55. Would the following requests made by former students (no longer enrolled) be specifically granted by FERPA? (Enter "Y" for yes or "N" for no next to each letter to indicate whether FERPA allows you to comply with the request.)

- a. inspect their education records
- b. a copy of any education record
- c. amend an education record
- d. non-disclosure of directory information
- e. non-disclosure of non-directory information
- f. have a hearing to amend an education record
- g. prevent parents from viewing education records
- h. forward to his attorney any subpoenas received by the college for his education records

And some brain stretchers to conclude this part of the exam...

For each of the situations below, answer the questions thoroughly and completely using your knowledge of FERPA. You will be best served if you use specifics within FERPA to make your conclusions.

56. In a “Release of Student Information” policy at one institution, the following statements appear:

“(Public information) is limited to name; address; phone; major field of study; dates of attendance; admission or enrollment status; campus; school; college or division; class standing; degrees and awards; activities; sports; and athletic information...”

“...Public information shall be released freely unless the student files the appropriate form requesting that certain public information not be released...”

“Public information which cannot be restricted includes the name, enrollment status, degrees earned, and dates of attendance.”

What is wrong with these statements? How should the statements be changed?

57. The following statement appears in one university’s FERPA policy:

“The following information will be released to those requesting it unless the student specifically requests otherwise on the form provided or by submitting written notification to the Registrar’s Office:

Student’s Name

Local Address

Local Phone Number

Enrollment Status

Major

Dates of Attendance

All other information will not be released without written consent of the student.”

What would be another FERPA-acceptable way to restate the sentence in bold above to allow your institution more flexibility in complying with requests for student information? Cite the section of FERPA to which your revised statement would apply.

58. University A has invested in a web-based teaching aid for faculty that permits interaction among students and the professor. One of the features that has appealed to faculty is the ability to communicate with students via e-mail.

One faculty member has suggested that she wants to provide e-mail addresses of all students in her class to every student so they can communicate among themselves.

As the registrar, you know that e-mail addresses are not identified as directory information at your institution.

What would need to occur for this professor to share e-mail addresses among her students?

Your answer should include a discussion of directory information as it pertains to FERPA, non-disclosure, and the annual notification to students, as well as any other information you deem appropriate.

Short Answer, or Your Daily FERPA In-basket—

You are the registrar/director of admissions and records for your institution. You have direct daily responsibility for academic records. You are asked to provide a solution to each in-basket item and to cite the FERPA reason(s) that justify(ies) your decision. Remember: there may be more than one correct response. Your reasoning and FERPA justification are most important here. Whether directly asked to or not, you are expected to give at least one reason for your answer. A simple “yes” or “no” is not sufficient.

Short answers, please; not essays.

In-basket Item #1

The dean of the graduate school calls you and relates the following:

“I have a question about FERPA. I am familiar with the idea of the law, but I am wondering if you can give me an interpretation for the following scenario. That is, is what I’m about to describe a violation of the student’s right to review records or merely bad pedagogy?”

One of our Ph.D. students took the qualifying examination in January and was told shortly thereafter she had failed. Her department informed her that she would have another chance in the summer to take the examination. The student wanted to see her graded examination, since she wanted to learn from any mistakes she may have made and also because she truly believes she performed sufficiently well to pass. She informed her advisor, the department chair, and the graduate committee chair in writing of her wish to inspect the graded exam. After a month had passed, she reminded the graduate committee chair verbally of her desire to inspect her graded exam. He acknowledged this request but was not certain that it could be granted; a couple weeks later, he suggested she try to reconstruct the exam and her responses from memory and then discuss them with her advisor.

About two months after the student’s initial request (having repeated it again a couple times in the interim), her advisor informed her that the department policy is not to let students inspect graded qualifying examinations. Furthermore, the graduate committee has objected to her advance request to review the grading of the second examination she is to take in the summer.

At this moment, nearly three months have passed since she first asked to inspect her graded test paper. She has come to me to appeal the decision of the department. What should I do?”

What do you advise?

In-basket Item #2

You overhear a registrar from another institution saying:

“We do verification of attendance over the phone. And we will give name, year and semesters attended, degree(s) earned, and majors. For anything else, we require a written release from the student or former student. Also, if a student signed in the last semester of attendance to withhold directory information, we will never release information, even if the student later asks us to change it. It is a binding decision.”

Is this a FERPA-correct statement? Why or why not?

In-basket Item #3

Currently, your Admissions Office is the owner of all the information that is on the student’s application. A copy of all this information is given to you, the registrar, after the student has matriculated. (Admissions keeps a copy of the data for reference for reporting, etc., purposes).

- a) Career Services requests these data in order to help place students in jobs. Are you in compliance with FERPA if you give Career Services access to all this admissions data? Why?
- b) Do you need any waiver or header or notification to the applicant that you are doing this?
- c) Can admissions share its database information with other departments/individuals without advising the applicants?
- d) Without advising the student if he or she matriculates?
- e) Without providing FERPA training/reference to the individuals who are accessing the data?

In-basket Item #4

At a meeting of the college’s academic administrators, the question of providing class rolls (rosters) on a timely basis comes up. One department head indicates that these class rolls are already on the web, but each faculty has access to all of the class rolls—not just his own. He thinks this isn’t appropriate and asks you whether something can’t be done.

You reply that “Our current system doesn’t allow us to make these very specific measures a reality. If it was more sophisticated, we might consider it. We do send out an e-mail to all faculty and staff at the beginning of the year asking them to look at just their own class rolls due to privacy issues.” One dean suggests, “If we put a heading on the beginning class roll page telling them about FERPA, would that be okay instead of limiting the class roll to only the faculty/staff member who teaches the course? Our academic secretaries need access to a number of different class rolls because they work for multiple faculty. Would that be ok?”

- a) How would you respond?
- b) Can you suggest what the heading might say?
- c) If that won’t work, what other suggestions might you have?

In-basket Item #5

The director of financial aid comes to you and asks for your interpretation of when parents can/cannot see a student’s education record.

She says that she had just attended a financial aid workshop where FERPA had been discussed. The college lawyer who made the presentation told them that dependency “had nothing to do with it unless the student is under 18. If the student is over 18”, he said, “he or she—not the parents—has the right to the educational record. If the student chooses to waive that right and let college administrators release that information, that’s up to the student. Otherwise, we cannot disclose anything from the educational record without the student’s permission.”

How would you respond to your colleague?

In-basket Item #6

Currently, your institution does not include birthdates as directory information. There is some discussion that the students’ birthdates should be added as directory information. Some on campus are reluctant to agree to include this item because they feel that students may not want this information released.

In order to resolve this problem, your dean asks you what can be done. He is the designated official at your institution that chairs the committee that decides issues related to FERPA. He has no strong feelings one way or the other but knows that this issue will come before his committee. Because he considers you the FERPA expert on campus, he asks, “If we decide to include birthdates, do we have the option of releasing birthdates on some requests but denying to release it on other requests? If it is directory information, are we obligated to release it to everyone?”

How do you respond?

In-basket Item #7

You have a foreign national over age 18 who was placed on academic probation. The father, who lives in another country, has requested a copy of the student’s grades, a report from each teacher on performance in each class, and a report of dormitory activities.

Your institution’s policy is to provide the student with a copy of the transcript for parents’ use. The student has not given said transcript to the parent.

You believe under FERPA that the student is subject to U.S. law and you cannot, therefore, release anything but directory information without the student's written permission.

What do you tell the parent?

In-basket Item #8

A graduate from ten years back calls your office and says that she has lost many of her "educational records." While she still has her transcript from your institution, she is requesting that you send her copies of her transcripts from previous schools that are in her folder. Can you comply with her request and still be in compliance with FERPA?

In-basket Item #9

You receive a phone call from a parent for a copy of her son's transcript. She states that her son was in a car accident and sustained head injuries; she is now his legal guardian and needs a copy of his academic record for his rehab center to continue treatment. You also find out that the injured son is a former student who is now 27 years old and who last attended your institution in 1997. You ask her for a written release and a copy of guardianship papers.

After thinking about it, you realize that you are not aware of the extent of the man's injuries, and possibly, he is capable of requesting or denying a release of his records. You phone the mother. She indicates that her son is capable of issuing the release but asks again if you can comply with the request because of her guardianship.

What issues are involved? What do you decide?

In-basket Item #10

It's final grades time, and grades are due from faculty in five hours. You see a faculty member ask one of the staff members to look at some students' academic records. The staff member asks why, and he replies that all he wants to look at are the records of students in his class. Before he assigns grades to his students, he wants to get a "feel" for what grades they received in the past.

Would you do anything? Why or why not?

In-basket Item #11

The wife of one of your students hands one of your staff members a piece of paper which is written and signed permission for the wife to pick up the student's transcript. Is this permissible? Would you permit it?

In-basket Item #12

Your boss asks you what information you can release over the phone. How do you reply?

In-basket Item #13

The dean of your college has just had a discussion with the education department head. The department head had requested to see the counseling records in the counselors' office for two education majors. He was requesting this information to determine the students' fitness to become teachers. The counselor refused to provide the information, claiming that the information in the files was "privileged." The dean asks you if the counselor was correct in refusing to provide the information.

How do you respond?

In-basket Item #14

Jill from the Human Resources Office e-mails that she has just received a call from food services, and she needs some help with a "FERPA question," as she puts it. This morning an FBI agent had visited the manager

of food services and had asked to see the work records of a food service employee who was hired under a work-study contract. Jill wants to know if the manager should show the records to the agent. What should you ask her first? What do you tell her?

In-basket Item #15

An officer from a police department in a nearby town calls. The officer states that they have arrested a person who claims to be a student at your college. He is calling to verify this.

You know that this police department has the policy of releasing students for minor infractions (which is what is involved in this case) if it can be verified that the person is a student.

You check your records and find that this person is a student. However, there is a signed statement from the student that he wants no information on him released.

Do you verify to the officer that this person is a student? Why or why not?

Answer Key to FERPA Final Exam

True/False Section

1.	T	5.	T	9.	T	13.	F	17.	F
2.	T	6.	T	10.	T	14.	F	18.	F
3.	F	7.	T	11.	F	15.	F	19.	T
4.	T	8.	F	12.	T	16.	F	20.	F
								21.	T

Multiple Choice Section

22.	e ¹	36.	a	50.	b	53c.	N	54b.	N
23.	c	37.	d	51.	a	53d.	Y	54c.	Y
24.	d	38.	f	52a.	Y	53e.	N	54d.	Y
25.	d ²	39.	a	52b.	Y	53f.	Y	54e.	N
26.	c	40.	d	52c.	Y	53g.	Y	54f.	Y
27.	a	41.	h	52d.	N	53h.	Y	54g.	N
28.	d	42.	e	52e.	N	53i.	N	54h.	N
29.	b	43.	d	52f.	Y	53j.	N	55a.	Y
30.	a	44.	b	52g.	Y	53k.	Y	55b.	N
31.	d	45.	d	52h.	Y	53l.	Y	55c.	Y
32.	d	46.	g	52i.	Y	53m.	N	55d.	N
33.	b	47.	d	52j.	Y	53n.	N	55e.	N
34.	a	48.	c ³	53a.	Y	53 Bonus ⁴		55f.	Y
35.	a	49.	b	53b.	Y	54a.	Y	55g.	N
								55h.	N

¹ The correct answer would be 45 days.

² Whether he has requested that any directory information not be disclosed, and that items a, b, and c are considered directory information by your institution.

³ Reason for choosing answer c: If a student's home address is not designated as directory information, the institution must obtain each student's written permission to include it in the student directory.

⁴ Bonus: If it is not an "education record," FERPA does not apply or FERPA only applies to "education records."

Brain Stretchers

56. An institution cannot tell a student what items of directory information can and cannot be subject to non-disclosure. The right of non-disclosure is the student's right exclusively. The institution may identify items of directory information, but it may not place any conditions on a student's right to block any directory information.

57. "The institution may release other information on students without written permission of the student if the release can be justified under one of the exceptions to written permission found in FERPA."

Section 34 CFR 99.31.

58. Two possibilities:

(1) Obtain written permission of each student in the class to share his or her e-mail address with other students in the class.

(2) A better long-term solution would be for the institution to identify e-mail address as directory information. Before doing so, however, it would have to notify students of that intent. Students then would have to be given a period of time to request that their e-mail addresses not be disclosed (right of non-disclosure).

The institution needs to answer the question of when to notify students about adding an item to directory information to its list. If it is in the middle of the academic year, this would necessitate a special notification to all students with the attendant period for them to request that their e-mail addresses not be disclosed. If the decision to notify students could wait until the institution annually notified students of their FERPA rights, this would save the time and effort required for a special mid-year notification and would make the notification process more efficient.

Even if e-mail addresses were included as directory information, a special procedure would have to be created to identify any student in any class wishing to use this teaching tool that shared e-mail addresses with all students in the class. This procedure would identify any student in the class who had requested non-disclosure of his or her e-mail address. The student then could be notified of the implications of his or her non-disclosure for that class and decide if he or she wished to keep the non-disclosure active.

FERPA In-Basket

#1 The student has the FERPA right to review the examination since it meets the definition of “education record,” i.e., personally identifiable to the student, maintained by the institution, and not one of the excluded categories from FERPA.

(Forty-five days have elapsed from the first request to review the record, so the institution is in violation of FERPA.)

#2 Yes. The institution may release any directory information on a case-by-case basis as long as the student (while still a student) has not requested non-disclosure. Any student, current or former, may request that the non-disclosure be removed. However, the institution does not have to honor such requests.

Note: The author does not agree with institutional policies that refuse the removal of a hold on directory information.

#3 (a) Yes. At most institutions, this would be considered a valid exercise of “legitimate educational interest.” However, each institution determines what constitutes a legitimate educational interest.

(b) No. This should be part of the annual notification to students required by FERPA.

(c) Yes. Same reason as above—legitimate educational interest.

(d) Yes. Students are notified annually re: legitimate educational interest.

(e) Yes. FERPA does not require any training, but training is strongly recommended for all users of “education records.”

#4 (a) It is probably not a FERPA violation to continue the status quo, but all users need to be trained regarding their responsibilities under FERPA.

(b) “Federal law (FERPA) requires that you must have a valid professional reason for viewing this class roll.”

(c) (Open ended.) Given the current situation, the academic administrators should take the initiative and formulate a policy regarding access to the screens and notify everyone of this policy. It is better to have something in writing than to merely make a decision and communicate it verbally to those who need to know.

#5 The lawyer is partially correct. FERPA rights pass to the student at age 18 or when he or she begins attending a college or university. Parents have only those rights of access that the student or institution gives to the parents. [Multiple choice question #45 identifies the three ways that parents can gain access to their child’s records (a, b, c).]

#6 The institution is not obligated to release directory information to anyone since FERPA states an institution “may” release. It doesn’t have to.

#7 Our institution’s policy is to release student information directly, and only, to students. The only valid ways that we would consider releasing information to you are (1) written permission from the student, (2) proof of your child’s dependency (not applicable in this case since you do not pay federal income taxes and, therefore, you cannot provide a federal income tax return), and (3) a legally issued subpoena itemizing the specific information you wish to review.

- #8 FERPA only requires institutions to provide access to education records. It does not require that you make copies of any records unless geographic distance of more than 50 miles precludes personal inspection. Professional courtesy and the fact that another institution's records on that student may have changed are two reasons for not copying other institutions' transcripts for students.
- #9 Dependency, legal guardianship, written permission of the student, emergency situation—probably give to the mother after her submission of legal guardianship papers. Of course, obtaining the student's written permission, if at all possible, has the highest priority.
- #10 Yes. This is not, in your mind, a valid exercise of legitimate educational interest, and you should call the dean after denying access to the faculty member. Grades are independent evaluative judgments made by a faculty member regarding a student's performance in one class. They should be assigned without any intervening external variables, such as past academic performance.
- #11 It is permissible. You have the student's written permission to release the transcript to the spouse, and that is what FERPA requires. You do need to verify that the signature is the student's. You may, however, deny the release to the wife if your policy indicates release to the student only or if you question the signature of the student.
- #12 Without the student's written permission, you can release what we identify as "directory information"; and you can release this information at your discretion.
- Non-directory information can be released without written permission of the student if the release falls under one of the exceptions to written permission in FERPA (34 CFR 99.31).
- #13 The counselor's records are "education records" and subject to FERPA. They are not sole possession notes and are not being used for the "treatment" of a student medically. Therefore, the department head may have access to these records as long as the dean determines that the department head has a "legitimate educational interest" (we are assuming here that all personnel fall under the definition of "school official" under FERPA). This is a determination for the dean.
- #14 First question—does the agent have a signed release (written permission) from the student indicating that the agent can see the records requested?
- If "yes," the food services manager may provide the information to the agent, although FERPA does not require it.
- If "no," the food services manager should not release the information (work-study employment records are subject to FERPA).
- #15 No. The student has placed a non-disclosure on this information, and you are honoring this request. (This actually happened.)