

FERPA



METROPOLITAN STATE UNIVERSITY™
OF DENVER

What is FERPA?

The **F**amily **E**ducational **R**ights and **P**rivacy **A**ct (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Other laws governing data and data privacy

- Health Insurance Portability and Accountability Act (HIPAA)
- Gramm-Leach_Bliley (GLBA)
- Payment Card Industry Data Security Standard (PCIDSS)
- State Law

www.ed.gov/policy/gen/guid/fpco/

Education Record

An education record is any record which contains information that is personally identifiable to a student, and is maintained by the university or by a party or organization acting on behalf of the school.

Education records may include:

- Written and printed documents
- Electronic media
- Magnetic tape (microfilm and microfiche)
- Film
- Diskette or CDs
- Video or audio tapes
- This includes transcripts or other records obtained from a school in which a student was previously enrolled.

Not Education Records

- Sole possession records or private notes of individual staff or faculty that are not accessible or released to other personnel
- Law enforcement or campus security records
- Employee records (unless contingent upon attendance)
- Medical records
- Alumni records

When do FERPA Rights Begin?

- A. When Parents no longer support student.
 - B. When student enrolls in classes
 - C. When student applies for admission.
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Student's Rights

- Be notified of their FERPA rights at least annually.
 - MSU Denver does this in both the student handbook and the University Catalog.
- Inspect and Review their records.
 - Students have the right to see everything in their “education record,” except:
 - Information about other students;
 - Financial records of parents; and
 - Confidential letters of recommendation if they waived their right of access.
- Amend an incorrect record.
- Consent to disclose (with exceptions).
- The right to file a complaint with the Family Policy Compliance Office (FPCO) regarding an alleged violation under FERPA.

Parent Rights

When student gives written consent for parent access, contact the Office of the Registrar.



School Official

A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position, including Auraria law enforcement personnel; or a person elected to the Board of Trustees; or a person employed by or under contract to the University to perform a special task, such as attorney, auditor or consultant; or a student or other person serving on an official University committee or assisting a school official in performing the official's professional duties and responsibilities.

You are a school official!

Legitimate Educational Interest

A school official's need to review a student's education records to perform his or her job duties. "Need to know"

Remember:

- Only look up student information to do your job
- Parents/Grandparents/Aunts - may not access student records
- Curiosity is not legitimate education interest!

MSU Denver Directory Information

The Metropolitan State University of Denver has designated the following categories of personally identifiable information on students as directory information under section 438(a)(5)(B) of FERPA:

- name, address and telephone number
- student classification
- major and minor fields of study
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance at the University
- degrees and awards received
- last educational institution attended
- enrollment status

When in doubt, don't give it out!

<http://catalog.msudenver.edu/content.php?catoid=23&navoid=1302#FERPA>

What cannot be directory information?

- Grades
- GPA
- Race
- Gender
- Social Security Number
- Student ID number
- Country of citizenship
- Religion

When Prior Consent is Not Required

Situations you may encounter:

- “School officials” with a “legitimate educational interest”
- Disclosure for a health/safety emergency
- Disclosure of directory information
- Contact Office of the Registrar if further questions.

Posting Grades

- **Never** by Social Security Number (any part of)
- **Never** by Student ID number
- **Never** in alphabetical order
- **Never** through course email list/ discussion boards

- **Recommend** by a code only the student and the professor can identify

Confidentiality in Classroom Setting

- Students cannot choose to be anonymous in the classroom setting.

Web Based Class Support

- Web based classes are subject to FERPA
- Must be careful not to release information that is not directory information to the whole class.



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Questions

