

FERPA: RIGHTS STUDENTS & PARENTS SHOULD KNOW

FERPA (Family Educational Rights & Privacy Act) is a federal law enacted in 1974 to protect the privacy of student education records. FERPA applies to all educational agencies and institutions, such as SSU, that receive funds under any program administered by the U.S. Department of Education.

What are education records?

Education records include any medium, including handwriting, print, computer, videotape, audiotape, film, microfilm, microfiche or e-mail of an institution and:

- Contain information directly related to the student; and
- Maintained by the institution or agency or party acting on its behalf.

What is not considered an Education Record?

Education records do not include:

- Notes in sole possession of maker not accessible or revealed to any other person except a temporary substitute
- Medical records
- Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment
- Records created and maintained by a law enforcement unit used only for that purpose, is revealed only to law enforcement agencies of the same jurisdiction, and the enforcement unit does not have access to education records
- Information on a person that was obtained when no longer a student (i.e., alumni records) and does not relate to the person as a student

What are students' rights under FERPA?

FERPA gives students three basic rights with respect to their education record:

- The right to control disclosure of their education record with certain exceptions
- The right to review their education record
- The right to request portions of their education record be corrected

What are parents' rights under FERPA?

When a student turns 18 years old or enters a postsecondary institution (SSU), at any age, these rights under FERPA transfer from the student's parents to the student. FERPA does however

provide ways in which an institution can share education records on the student with his or her parents.

Under FERPA, schools may release any and all information to parents, without the consent of the student if the student is a dependent for tax purposes under the IRS rules. Neither the age of the student nor the parent's status as custodial parent is relevant in this case. If the student is claimed as a dependent by either parent for tax purposes, then either parent may be given access under this provision.

At SSU, parents who wish to have full access to their son's or daughter's records, should provide a signed copy of the most recently filed federal income tax return to the Registrar's office. <http://shawnee.edu/offices/registration/index.aspx>.

Parents also have the right to educational records without the consent of the student under the following circumstances:

- If a health or safety emergency involves their son or daughter; or
- If the student is under the age of 21 and has violated any law or policy concerning the use or possession of alcohol or a controlled substance.

In addition to the above, students may sign a consent form granting parents the right to access their education records. The consent form is distributed to students during orientation sessions and is also available in the Registrar's Office.

What is the directory, and what is considered public information?

The student directory consists of various types of information of all students attending Shawnee State University and is subject to release upon request, unless the student notifies the Registrar (see instructions below). Directory information at SSU includes:

- Name
- Address (local, home and university-assigned e-mail)
- Telephone (local and home)
- Program of Study (including college of enrollment, major and concentration)
- Enrollment status (e.g. full-time, part-time, withdrawn)
- Class rank (freshman, sophomore, etc)
- Dates of attendance
- Degrees and honors awarded
- Previous educational agencies or institutions attended
- Participation in officially recognized activities and sports
- Weight and height of members of intercollegiate athletic teams

Information that may not be released from the directory

Not included in the student directory is information considered harmful or an invasion of privacy, such as:

- Social security number
- Student identification number
- Race
- Ethnicity
- Nationality
- Gender

How students can prevent their directory information from being released

Students who wish their student directory information not be released to the public must:

- Complete a Request to Prevent Disclosure of Directory Information form (available in the Office of the Registrar). A “withheld directory” flag will then be placed on the student's records to prevent directory information from being released in the future.

Please note the following:

1. The withheld directory flag remains in effect until the student requests *in writing* that it be removed.
2. Any individual can request student information if the student has **NOT** requested that directory information be withheld.
3. If a student has requested that directory information be withheld, no information can be released except as provided by law, or to anyone within SSU who has a need to know.

Information may be released in certain situations without student consent

Students should be aware there are certain situations in which your information can be released without your consent. These situations include the following:

- University employees who have a legitimate educational interest
- Other schools, upon request, in which a student is seeking or intending to enroll
- Appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid.
- Individuals who have obtained a judicial order or subpoena
- Appropriate parties who need to know in cases of health and safety emergencies when necessary to protect the health and safety of the student and/or others

- Alleged victim of a crime of violence the results of a disciplinary proceeding with respect to that crime
- Parent or legal guardian of a student under the age of 21, information regarding any violation of university policy or state, federal or local law, governing the use or possession of alcohol or a controlled substance

What is a university/school official?

A university official includes:

- A member of the Board of Trustees and university employees in an administrative, supervisory, academic, or support staff position.
- A person/agency employed by or under contract to perform a special task (i.e. auditor, consultant or outside attorney)

What is a legitimate educational interest?

An individual who has a legitimate educational interest must have assigned tasks or duties that reflect a need to have certain student records. Examples include:

- The Dean of Students may access a student’s conduct file when reviewing a current conduct issue;
- Academic Advisors may access the student’s entire academic record to aid in scheduling for classes;
- Financial Aid Representatives may access student records to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid

Types, Locations, and Custodians of Educational Records

Specific records are kept in specific offices. These records are organized by type.

Types	Location	Custodian
Admission Records	University Center	Office of the Registrar
Academic Records	University Center	Office of the Registrar

Financial Aid	University Center	Office of Financial Aid
Placement Records	Success Center	University College
Disciplinary Records	University Center	Dean of Students
Progress Records	Department office at each department	Chairperson or Faculty

You can learn more about the “Family Educational Rights and Privacy Act of 1974, as Amended” (FERPA) from the Registrar’s Office or from the [U.S. Department of Education's Family Policy Compliance Office](#).