

# Family Educational Rights and Privacy Act (FERPA)

## Guidelines for Michigan Colleges and Universities



## Michigan Association of Collegiate Registrars and Admissions Officers

Registrars Practices Committee  
January 2004

### 1. What is FERPA?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides a student or former student the right to inspect and review their education records; the right to seek to amend those records; and the right to have some control over the disclosure of information from those records. The Act applies to all educational institutions that are recipients of federal funding.

### 2. Who is protected under FERPA?

Students, regardless of age or status relative to parental dependency, who currently are or formerly have been enrolled in an institution of higher education. Under specifically defined conditions, parents of students termed “dependent” for income tax purposes may have access to the student’s educational records. Students who have applied but have not attended an institution are not protected by FERPA.

### 3. What are educational records?

With certain defined exceptions, an educational record is *any* record, maintained by an institution or agent of the institution where a student can be personally identified. FERPA contains no requirement that certain records be kept at all. This is a matter of institutional policy and/or state regulation. Records may be handwritten, in the form of print, magnetic tape or disk, or any other medium. Records include transcripts or other records obtained from a school in which a student was previously enrolled.

### 4. What is not considered to be an educational record?

- sole possession records or private individual notes created by a school official and are *accessible only* to the individual who created them

- law enforcement or campus security records which are created and maintained solely for law enforcement purposes
- records relating to individuals who are employed by the institution (unless that employment is contingent upon enrollment and attendance, e.g. work-study)
- records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment
- records of an institution which contain only information about an individual obtained after that person is no longer a student at the institution (i.e., alumni records)

## **5. What documents can be removed from an educational record before a student views the record?**

- any information that pertains to another student
- financial records of the student's parents
- confidential letters and statements of recommendation where the student has waived their right to view and access (FERPA section 99.12)

## **6. What is directory information?**

Institutions may disclose what it has defined as directory information on a student without violating FERPA. Allowable directory information generally includes but is not limited to:

- |                        |  |
|------------------------|--|
| • student name         | • degrees, honors and awards received                          |
| • address              | • participation in officially recognized sports and activities |
| • telephone number     | • weight and height of athletes                                |
| • e-mail address       | • other similar information                                    |
| • major field of study |  |
| • dates of attendance  |  |

Each institution is required annually to notify students what it defines as directory information. The institution must also provide a procedure for students to restrict the institution from releasing his/her directory information.

## **7. Who is entitled to student information?**

- the student
- any party who has obtained the student's consent
- school officials who have "legitimate educational interests" as defined by the institution
- a lawfully issued judicial order or subpoena

Reasonable effort should be made to notify the student before complying with the request. In the event of a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose, a college does not have to notify the student if specifically ordered not to do so in the subpoena.

## **8. When do you need consent to disclose personally identifiable information from an education record (including transcripts)?**

But for specific exceptions (listed in #9 & #10), a signed and dated consent by the student must be obtained before any disclosure is made. This written consent, which may be an electronic signature, must:

- specify the records that may be disclosed
- state the purpose of disclosure
- identify the party or class of parties to whom the disclosure may be made

## **9. What is “personally identifiable” information?**

- the student’s name
- name of student’s parent or other family members
- address of student or student’s family
- a personal identifier such as social security number or student identification number
- any unique or personally identifiable characteristics (anything that might identify an individual in a group)

## **10. When must an institution disclose information without a student’s written consent?**

An institution must disclose information to students requesting information from their own records.

## **11. When may an institution disclose information without a student’s written consent?**

- to school officials having legitimate educational interest
- to officials of other educational institutions in which the student seeks to enroll (*the issuing institution must make a reasonable attempt to inform student of disclosure*)
- to Federal, State and local authorities involving an audit or evaluation of compliance with educational programs
- in connection with financial aid
- to organizations conducting studies for or on behalf of educational institutions
- to accrediting organizations
- to parents of a dependent student (as defined by the internal revenue code)
- to comply with judicial order or subpoena
- health or safety emergency
- directory information
- results of disciplinary hearing to an alleged crime of violence
- to a court if legal action has been initiated by the student or the institution
- parents of a student under 21 years of age regarding violation of any law or institutional policy governing the use of alcohol or a controlled substance
- to state and local authorities pursuant to a state law adopted prior to November 1974

Requests to disclose information should always be handled with caution and approached on a case-by-case basis.

## 12. What is the institution's responsibility for notification related to FERPA?

Institutions *must annually notify students in attendance* of their rights under FERPA.

- their right to inspect and review
- their right to challenge content of their record
- their right to a hearing if result of challenge is unsatisfactory
- their right to include explanatory statement in record if result of hearing is unsatisfactory
- their right to prevent disclosure of personally identifiable information
- their right to file a complaint with the U.S. Department of Education

### **Still have questions? Please contact:**

Family Policy Compliance Office

U.S. Department of Education

(202) 260-3887

(202) 260-9002 fax

[ferpa@ed.gov](mailto:ferpa@ed.gov)

Additional information regarding FERPA Regulations and History can be found at:

<http://www.ed.gov/policy/gen/guid/fpc/index.html?exp=0>

Guidelines recommended by the

Michigan Association of Collegiate Registrars and Admissions Officers.

These guidelines are not intended to be legal advice. Please refer to your own legal counsel for specific legal guidance regarding FERPA.

This brochure may be photocopied and is available as a PDF file at:

[www.macrao.org](http://www.macrao.org)