

The FAMILY EDUCATIONAL RIGHTS and PRIVACY ACT of 1974

General Information:

The Family Educational Rights and Privacy Act (FERPA) sets forth requirements regarding the privacy of student records. FERPA governs the release and access to education records maintained by an educational institution. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education must comply with FERPA.

Each institution may establish its own policy for addressing FERPA issues, provided that it addresses certain requirements. In order to be in compliance with FERPA, an institution must:

- notify students of their rights on an annual basis
- protect students' right to inspect, review, and amend their education records
- protect students' right to limit disclosure of personally identifiable information contained in education records
- ensure that third parties do not redisclose personally identifiable information
- keep records of requests for disclosures of student education records in limited situations

Truman's FERPA Policy:

Truman State University's FERPA Policy Statement may be found on-line at <http://fedinfo.truman.edu/>. The following information is taken from this policy.

Truman State University has defined an education record as any record (in handwriting, print, tapes, film, electronic, or other medium) maintained by Truman State University or an agent of the university that is directly related to a student. There are several exceptions to this definition, including records maintained by the Department of Public Safety, Student Health Center, and University Counseling Services.

In general, Truman State University will disclose information from a student's education records only with the written consent of the student. However, under certain circumstances, the University may disclose information without a student's consent.

The University may disclose any items that are designated as directory information without prior written consent unless notified in writing by the student prior to the request for disclosure. Truman State University designates the following items as directory information: student name, address, telephone number, e-mail address, date and place of birth, major field of study, class status, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, enrollment status, degrees and awards received, and most recent previous school attended.

Disclosure without written consent may also occur when information is disclosed to a school official with a legitimate education interest in the record. To constitute a legitimate education interest, the school official must be performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; or performing a task related to the conduct of a student.

*Additional information on FERPA and on Truman's FERPA policy
may be obtained from the Registrar's Office (x4143).*

FERPA and FACULTY

The information included in this handout is taken directly from the 2001 FERPA Guide, written and published by the American Association of Collegiate Registrars and Admissions Officers (AACRAO). This Guide is written in consultation with the U.S. Department of Education's Family Compliance Office, which is responsible for providing assistance to ensure compliance with FERPA, and which investigates, processes, and reviews FERPA complaints and violations.

Posting of Grades by Faculty

“The public posting of grades either by the student's name, institutional student identification number, or social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class/institutional website and applies to any public posting of grades for students taking distance education courses. Even with names obscured, numeric student identifier numbers are considered personally identifiable information. Therefore, the practice of posting grades by social security number or student identification number violates FERPA.

“Instructors and others who insist on posting grades should use a system that ensures that FERPA requirements are met. This can be accomplished either by obtaining the student's uncoerced written permission or by using code words or randomly assigned numbers that only the instructor and individual student know. The order of posting should not be alphabetic.

“Another method of notifying students of their final or other grades prior to official institutional notification is to have any interested students provide a self-addressed, stamped envelope to the instructor. The student writes the course and section on the front of the envelope. The instructor records the grade on the inside flap of the envelope, seals the envelope, and mails it to the student when grades have been determined.

“Notification of grades via a postcard violates a student's privacy.

“Notification of grades via e-mail is slightly more secure than sending grades on a postcard via USPS. However, there is no guarantee of confidentiality on the Internet. The institution would be held responsible if an unauthorized third party gained access, in any manner, to a student's education record through any electronic transmission method” (*AACRAO 2001 FERPA Guide*, p. 29).

“The Family Policy Compliance Office has determined that grades can be posted by the last four digits of the social security number and the institution will still be in compliance with FERPA. If this is done, it is highly recommended that the posted list not be in alphabetical order.

“A more satisfactory strategy, if faculty need to post grades, is to have the faculty member assign a random number to each student in the class that only the student and faculty member know. The grade-posting list should be in random (not alphabetical) order” (*AACRAO 2001 FERPA Guide*, p. 110).

Returning Graded Papers to Students

“Leaving personally identifiable, graded papers unattended for students to pick through is no different from posting grades in the hallway. If these papers contain ‘personally identifiable’ information, then leaving them unattended for anyone to see is a violation of FERPA if the instructor has not obtained the written permission of each student to do so.

“A possible solution would be either to leave the graded papers (exam, quizzes, homework) with an assistant or secretary who would ask students for proper identification prior to distributing them or to leave them in a sealed envelope with only the student's name on it” (*AACRAO 2001 FERPA Guide*, p. 111).

Parents' Requests for Student Grades

“FERPA requires that students provide written permission for the institution to release any non-directory information to parents or that the institution determine that the student is legally a dependent of the parents before releasing the information” (*AACRAO 2001 FERPA Guide*, p. 28).

Faculty and staff should refer all such requests to the Registrar's Office.

Letters of Recommendation

“Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information obtained from a student's education record is included in a letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made.

“If kept on file by the person writing the recommendation, it would be part of the student's education record and the student has the right to read it unless he or she has waived that right of access” (*AACRAO 2001 FERPA Guide*, p. 27).

Sample Permission Letter to Write a Letter of Recommendation

I give permission for Professor Truman to write a letter of recommendation to:	

Professor Truman has permission to include my grades, GPA and class rank in this letter.	
I waive / do not waive my right to review a copy of this letter at any time in the future.	
_____	_____
Signature	Date

(*AACRAO 2001 FERPA Guide*, p. 27).

Sharing E-mail or Other Directory Information with Students in a Class

“Faculty who utilize electronic teaching tools ... may wish to share students' e-mail addresses or other personally identifiable information in a class with others in the same class. This is permissible as long as 1) the institution has identified e-mail addresses as directory information, 2) the students have had an opportunity to request that their e-mail addresses not be disclosed, and 3) the faculty member does not share the e-mail address of any student who has requested nondisclosure” (*AACRAO 2001 FERPA Guide*, p. 44).

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