A FERPA PRIMER

The information in this document was taken from a Presentation for The University of Illinois, College of Medicine at Peoria by Dr. Linda Rowe, Assistant Dean for Student Affairs. (also visit http://www2.ed.gov/policy/gen/reg/ferpa/index.html

Compiled by Dr. Judy Rashid, Dean of Students
on behalf of the Division of Student Affairs and the
Student Behavior Intervention Team
NC A&T State University

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What is FERPA?

The Family Educational Rights and Privacy Act of 1974, or "The Buckley Amendment," or 20 U.S.C. 1232g.; 34 CFR Part 99

FERPA 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 per the Family Compliance Office, U.S. Department of Education

Why FERPA?

Senator James Buckley (C-NY) stated that his amendment would counter the growing trend toward "violation of confidentiality and abuse of personal data" by "governmental and other busy bodies."

FERPA History?

- Introduced, adopted, and implemented in a matter of months in 1974.
- Initial set of regulations adopted in 1976 under then the Department of Health, Education & Welfare.
- Congress has amended FERPA a total of ten times in the nearly 30 years since its enactment.
- Additional legislation is currently being proposed.

Student

- Any individual who is or has been in attendance at the institution
- About whom the institution maintains education records**.**

Applicant

- Any individual who applies to an institution and is not accepted

  OR

- Who is accepted and does not attend.

- Applicant records are not protected by FERPA (subject to re-disclosure rules).

Students' 3 Primary Rights Under FERPA

- To inspect and review education records.
- To seek to amend education records.
- To have some control over the disclosure of information from education records.

FERPA Requires that Colleges

- Notify students of their rights annually.
- Protect students' rights to inspect and review.
- Protect students' rights to limit disclosure of "PII" contained in records.
- Where applicable, advise third parties of their responsibility not to re-disclose.
- Keep records of requests for and disclosures of records.

Confused Yet?

- Remember, we must consider both who controls the record *and* the content of the record in order to determine whether and how it is regulated by FERPA.

A Good Rule of Thumb

- Any information taken from excepted records and included in *education records* will, as part of those records, be protected by FERPA.

- Previous school attended
- Photographs
- Participation in recognized sports & activities
- Height & Weight of Athletes