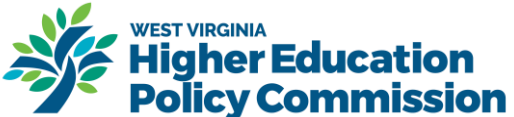




FERPA

Marshall University
September 14, 2022



Regulations

Family Educational Rights and Privacy Act (FERPA)

- Regulation:
 - 34 CFR Part 99
- Statute:
 - 20 U.S.C. § 1232g



Regulations

Family Educational Rights and Privacy Act (FERPA)

- Federal Register Notices of amendments to FERPA regulations:
 - 12/2/2011
 - 12/9/2008
 - 4/21/2004
 - 7/6/2000
- Protection of Pupil Rights Amendment (PPRA)
 - 11/24/2020

Privacy Technical Assistance Center (PTAC)

[Protecting Student Privacy | U.S. Department of Education](#)

- <https://studentprivacy.ed.gov>
- Administer and enforce FERPA and PPRA (Protection of Pupil Rights Amendment)
- Student Privacy Policy Office (SPPO), previously known as the Family Policy Compliance Office (FPCO), in the U.S. Department of Education administers FERPA.

What FERPA Covers

A federal privacy law that affords parents and eligible students the right to:

Access to Education Records

- Right to Inspect & Review
- Copies

Seek Amendment or Correction

- Inaccurate, Misleading, or in violation of the student's rights of privacy

What FERPA Covers

Consent for Disclosure

- With Consent
- Without Consent

Right to File a Complaint:

- Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

Education Records are:

- Directly related to the student
- and
- Maintained by an educational agency or institution or by a party acting for the agency or institution

STOP!



THINK!



FERPA!

Education Record Exemptions

Include, but are not limited to:

- Sole possession records used as a personal memory aid
- Law Enforcement Unit Records
- Peer-graded papers before they are collected and recorded by a professor or teacher
- Student employment records
- Treatment records

FERPA & HIPAA

Records that are subject to FERPA are not subject to the HIPAA Privacy Rule (see page 82483, *Federal Register*, Vol. 65, No. 250, December 28, 2000).

- Health records on students, including immunization records, maintained by an educational agency or institution subject to FERPA are “education records.”

Law Enforcement Unit Records

Records, files, documents, and other materials that are:

- Created by a law enforcement unit,
 - Created for law enforcement purpose,
- and
- Maintained by the law enforcement unit.

Photos and Videos

When is a photo or video part of a student's education record?

- When it is directly related to the student

and

- Is maintained by the school or party acting for the school



NAME

NAME



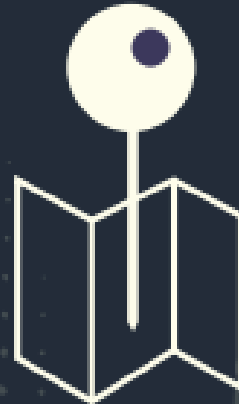
MOTHER'S MAIDEN
NAME



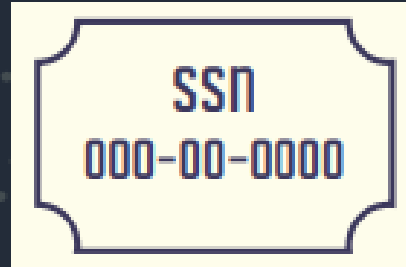
HOME ADDRESS



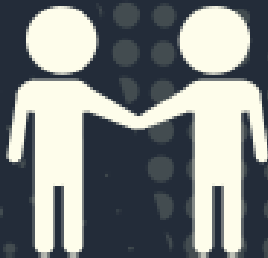
DATE OF BIRTH



PLACE OF BIRTH



SOCIAL SECURITY
NUMBER



NAME OF PARENTS



FINGERPRINT

Personally Identifiable Information (PII)

- Direct Identifiers
- Indirect Identifiers
- Other Information

Annual Notice Requirement

Educational agencies and institutions must annually notify eligible students in attendance (and parents of students under 18) of their rights under FERPA

POLICY

a deliberate system of
principles to guide decisions and
achieve rational outcomes.

Marshall University Directory Information

[FERPA - Consumer Information and Disclosures \(marshall.edu\)](#)

Directory Information

- Public information that may be disclosed at Marshall University's discretion for any purpose.

Limited Use Directory Information

- Information not to be provided to external parties not contractually affiliated with the University.

Parent Rights

FERPA affords full rights to a parent, unless the school has been provided with evidence that there is a court order or state law that specifically revokes these rights.

Inspect and Review

An Educational Agency or Institution:

- Must comply with request within 45 days
- If failure to do so would deny access, copies or other arrangements for access are required
- May not destroy records if a request is pending

Requesting Amendment to Education Record

- Parent or eligible student should identify the portion of the record believed to contain information that is inaccurate, misleading, or in violation of the privacy rights of student.
- School must decide within reasonable period of time whether to amend as requested.
- If school decides not to amend, must inform parent or eligible student of right to a hearing.
- After a hearing, if decision is still not to amend, parent or eligible student has a right to insert a statement in the record

Prior Written Consent

The consent must:

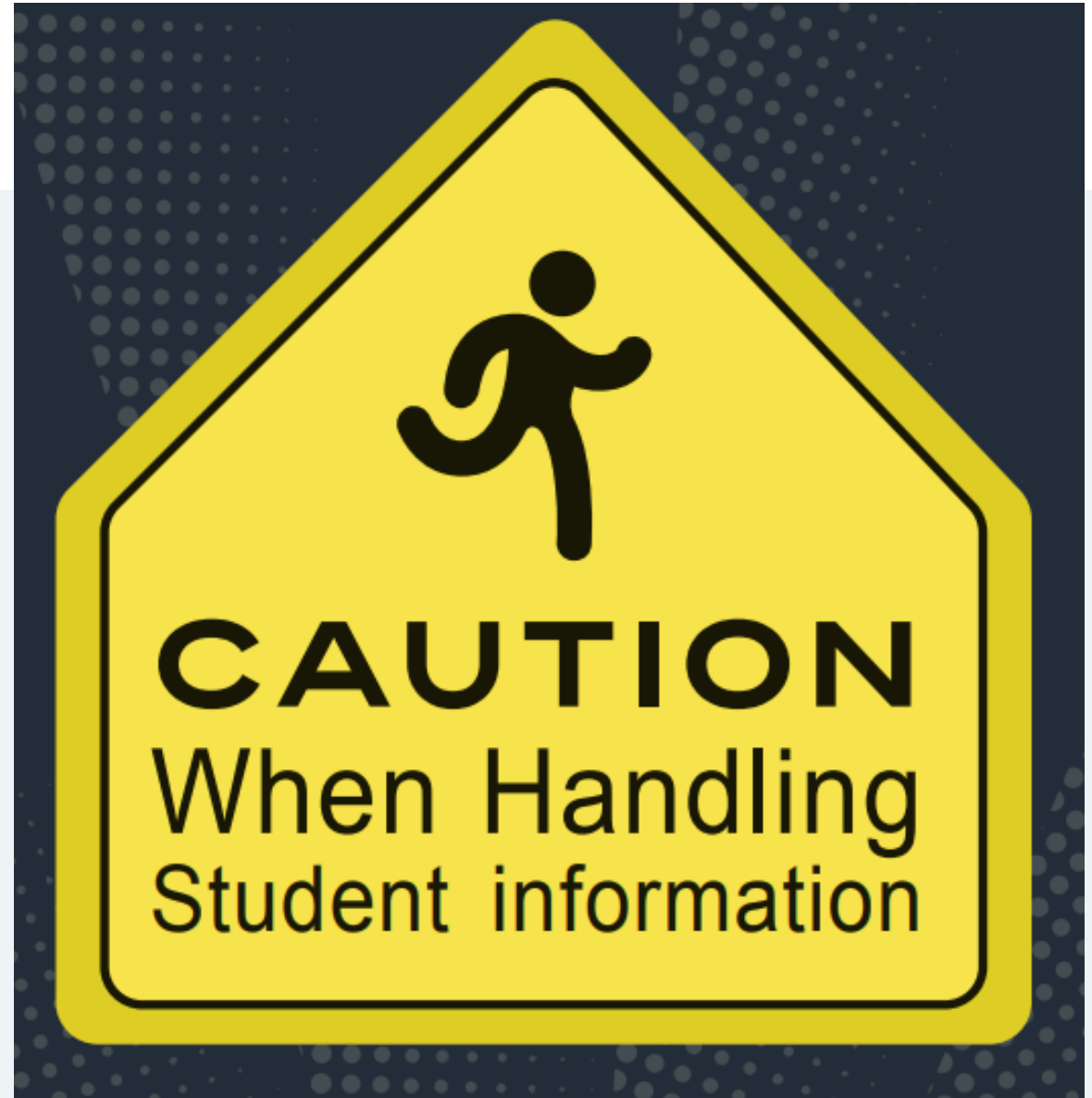
- Specify records that may be disclosed
- State the purpose of disclosure
- Identify to whom disclosure may be made

Exemptions to Consent Requirement

- The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests
- Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

Dependent Students

Consent is not required if the disclosure is to parents, as defined in § 99.3, of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.



Financial Aid Disclosures

Disclosures under this exception to consent may be made if the information is necessary to:

- Determine eligibility for the aid
- Determine the amount of the aid
- Determine the conditions for the aid
- Enforce the terms and conditions of the aid



THANK YOU!

Carrie Watters

Compliance Officer for Authorization and Proprietary School Programs

carrie.watters@wvhepc.edu

681-313-2290

