

James Sprunt Community College

Annual Notification of Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age).

1) What rights do students have under FERPA?

- a) The right to inspect and review their education records within 45 days of their request
- b) The right to request an amendment to their education records
- c) The right to consent to disclosures of personally identifiable information contained in their education records
- d) The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA

2) "Legitimate Educational Interest"

- a) A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

3) Public Posting of Grades

- a) The public posting of grades, either by the student's name, institutional student identification number, or social security number is a violation of FERPA. Using an assigned random number that only the student and instructor know would be an appropriate way to post grades. Even then, the order of posting should not be alphabetic.

4) What is directory information?

- a) Institutions may disclose the following information on a student without violating FERPA if the student has not restricted their information.

Student name, address, telephone, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status, most recent college attended, participation in officially recognized sports and activities, honors and awards received (includes Dean's and President's Lists), degree(s) conferred.

5) What are education records?

- a) An education record is any record that is directly related to a student and maintained by the college. A student has the right of access to these records.
- b) Education records include any records in whatever medium (handwritten, email, print, magnetic tape, film, diskette, etc.) that is in the possession of any school official. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

6) What aren't education records?

- a) sole possession records or private notes held by school officials that are not accessible or released to other personnel,
- b) law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit,
- c) records relating solely to an individual's employment by the institution that are not available for any other purpose,
- d) records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment,
- e) records of an institution that contain only information about an individual obtained after that person is no longer a student, i.e., alumni records,

f) grades on peer-graded papers that have not been collected and recorded.

7) Letters of Recommendation

- a) Statements made by a person making a recommendation that are made from that person's own 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:
 - i) specifies the records that may be disclosed,
 - ii) states the purpose of the disclosure, and
 - iii) identifies the party or class of parties to whom the disclosure can be made.
- b) Since the letter of recommendation would be part of the student's education record, the student has the right to read it – unless he/she has waived that right of access.

8) "Health and Safety" Exception

- a) Institutions may take into consideration circumstances pertaining to the health and safety of a student or other individuals to disclose information from education records without a student's consent. If the institution determines there is "articulable and significant threat" to the health and safety of the student or others, information from education records can be released "to any person whose knowledge of the situation is necessary to protect" the health and safety of the student or other individuals.

9) Outsourcing and Access to Education Records

- a) Institutions are allowed to disclose education records without the student's consent to contractors, volunteers, and other non -employees performing institutional services and functions.

10) FERPA and Parents' Access to their Student's Education Records

- a) When a student reaches the age of 18 or begins attending a postsecondary institution at any age, FERPA rights transfer from the parent to the student.
- b) Parents may obtain non-directory information (grades, GPA, etc.) at the discretion of the institution if the student is a dependent per federal tax law.
- c) Student Information Release Form: Parents may have access to non-directory information by obtaining a signed consent from their child. This is a one-time form. A new signed and dated Student Information Release Form is required each time a request for the release of information is made.

11) Can a student prevent the release of their directory information?

- a) FERPA requires each institution to allow students to block disclosure of their directory information. At JSCC, we refer to this action as "confidentiality." The following are consequences of a student placing confidentiality on their record:
 - i) Student name will not appear in the commencement program.
 - ii) Verification of enrollment, graduation, or degrees awarded will not be provided to third parties, including potential employers and insurance companies.
 - iii) No information will be released to any person on the telephone or via email.
 - iv) Requests for confidentiality are permanent until removed in writing by the student.