

# Legal Systems and Student Data Management

---

- ▶ FERPA is an acronym for the Family Educational Rights and Privacy Act (20 U.S.C. 1232g, 34CFR 99). Congress enacted FERPA, also referred to as the “Buckley Amendment, in 1974.
- ▶ FERPA afford students certain rights with respect to their education records.
- ▶ The right to inspect and review.
- ▶ The right to request the amendment to the student’s education records.
- ▶ The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.
- ▶ The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with the requirements of FERPA.
- ▶ A Student becomes under FERPA law when he or she registers on Campus.
- ▶ The Following is covered under FERPA
  - Data on Student Information Systems
  - Data on Course Management Systems, WEB, Blackboard, E-mail, MOODLE, etc.
  - Employment records
  - Records in Financial Aid and the Registrar’s Office
- ▶ FERPA conditions federal educational funding on providing student access to, as well as maintaining the privacy of, education records.
- ▶ Faculty, staff and officers at Tougaloo are required by FERPA to treat education records in a legally specified manner.
- ▶ FERPA requires that a student’s education record must NOT be disclosed to persons who do not meet the strict definition of a school official.
- ▶ A school official is:
  - A person employed by the college who has a legitimate educational interest in the records (or others explicitly granted access under the law).
  - A trustee or outside contractor such as health or medical staff, an attorney or auditor acting as an agent for the college

- A student, alumni or other person serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another official in performing his or her tasks.

#### **DOS and DON'TS. . . . .**

- ▶ **DO** review a copy of the Tougaloo College student records policy before responding to a request for education records
- ▶ **DO NOT** release directory information on a student without checking with the Registrar to see whether the information has been flagged for non-release.
- ▶ **DO** obtain written permission from the student before sharing educational record information, including grades and grade point averages, with parents or others outside the institution.
- ▶ **DO NOT** request information from the education record custodian, or access the student's file by computer, unless you have a legitimate educational interest and are authorized under the Tougaloo College student records policy to access the information.
- ▶ **DO** follow the confidentiality provisions of FERPA by not sharing educational record information with your colleagues unless a legitimate education interest exists.
- ▶ **DO NOT** put purely personal notes (for example, from a committee meeting recommending students for a particular program) in the student's file, as they will become accessible to the student. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person. Official committee minutes are likely to be considered accessible.
- ▶ **DO** keep only those records pertaining to a student, that are necessary for the fulfillment of your teaching or advising responsibilities.
- ▶ **DO NOT** display student grades or scores publicly in association with names, Social Security numbers or other personal identifiers. If scores are posted, use a code known only to you and the student.
- ▶ **DO** follow the confidentiality provisions of FERPA by not sharing educational record information with your colleagues unless a legitimate education interest exists.
- ▶ **DO NOT** leave your computer or laptop on and unattended where a student's education records can be accessed and/or viewed by unauthorized persons.
- ▶ **Do** keep all passwords and pin numbers in a safe secure location where they cannot be accessed by any other person.
- ▶ **DO** keep only those records pertaining to a student, that are necessary for the fulfillment of your teaching or advising responsibilities.

## FERPA FOR FACULTY AND STAFF

### *A short course on the Family Educational Rights and Privacy Act of 1974 as Amended*

- **Faculty and staff may disclose the following directory information upon request:**
  - Previous dates of attendance
  - Degrees and awards received (to include honors)
  - Previous educational agencies or institutions attended
- **At the direction of the College, additional directory information may be released (inquire at the Office of Records)**
- **Other information may be released with the student's written consent. Such written consent must (a) specify the records to be released, (b) state the purpose of the disclosure, (c) identify the party or class of parties to whom disclosure may be made, and (d) be signed and dated by the student.**

To fulfill the basic requirements for compliance with the Act, each educational institution must prevent improper disclosure of personally identifiable information from education records, provide opportunity for challenge of the contents of education records as required by FERPA and the regulations, and maintain adequate records of requests and disclosures.

An institution is not required to disclose information from a student's education records to the parents of dependent students (as established by Internal Revenue Code of 1954, Section 152). It is the responsibility of an institution to ensure that information is not improperly disclosed to the parents of students. Please refer parental requests for information to the Office of Records.

- **Tougaloo College will disclose information for student's educational records only with the written consent of the student, except:**
  - To school official who have a legitimate educational interest in the records
  - To certain officials of the U.S. Department of Education, The Comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs.
  - In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid
  - If required by a state law requiring disclosure that was adopted before November 19, 1974
  - To organizations conducting certain studies for or on behalf of the College
  - To comply with a judicial order or a lawfully issued subpoena provided that the institution makes a reasonable attempt to notify the student in advance of compliance
  - To appropriate parties in a health or safety emergency

**My signature affirms that I have read the above document and agree to comply with the Act. The penalty for noncompliance with Federal regulations can be withdrawal of Department of Education funds from the institution.**

---

Printed Name

---

Legal Signature

---

Today's Date