FERPA FACTS for FACULTY

FERPA is the Family Educational Rights and Privacy Act enacted in 1974 (a/k/a the Buckley Amendment) that protects the privacy of students’ education records and provides guidelines for the appropriate maintenance and release of those records. Under FERPA, students have the right:

- to inspect and review their education records,
- to request an amendment to an inaccurate education record,
- to provide written consent before disclosure of personally identifiable information, and
- to file a complaint with the US DOE concerning potential compliance issues.

FERPA rights are assigned to all students when they reach 18 years of age or when they enroll in postsecondary education. All students admitted to IRSC, including dual enrolled, AHS, ABE, GED, and ESL students, regardless of their age, fall under the provisions of FERPA.

Education Records regulated by FERPA are divided into two types of student information: Directory Information and Personally Identifiable Information.

Directory Information is defined by the institution and is not considered to be an invasion of a student’s privacy if disclosed. In general, requests for student Directory Information should be referred to the Office of Admissions and Records. IRSC Directory Information that may be released in accordance with IRSC procedures includes:

- Student Name
- Student Address
- Dates of Attendance
- Program of Study
- Degrees/Awards/Scholarships
- Athletic Participation
- Athletic Team Weight/Height
- Previous Educational Institutions

Personally Identifiable Information is any part of a student’s education record that is not Directory Information and is defined by FERPA as protected and confidential. IRSC Personally Identifiable Information includes the following student education records but is not limited to:

- Academic Standing
- Email Address
- Gender
- GPA
- Grades
- Race
- Social Security Number
- Student ID Number
- Student Schedule
- Test Scores

Personally Identifiable Information may not be released to any third party without the student’s written permission, except by provisions outlined in FERPA regulations. (See Exceptions on page 2.)

Non-Disclosure Requests
Students who wish to prevent the release of Directory Information can complete an Authorization for Non-Disclosure available online at [www.irsc.edu](http://www.irsc.edu) Records or at any campus.

Release of Education Records
Students who wish to release Personally Identifiable Information to a parent or third party can complete an Authorization for Release of Educational Records available online at [www.irsc.edu](http://www.irsc.edu) Records or at any campus.
Exceptions to Student Written Consent Requirements
FERPA allows disclosure of student education records without consent by exception, to the following parties or under the following conditions (34 CFR § 99.31):
• School officials within the college community who have a legitimate educational interest;
• Other educational institutions in which a student seeks or intends to enroll;
• The parent or legal guardian of a dependent student (Parental Access defined below);
• Specified federal or state officials for audit or evaluation purposes;
• Organizations in connection with financial aid that a student has applied for or received;
• Accrediting organizations carrying out their function;
• To comply with a judicial order or lawfully issued subpoena;
• The parent or legal guardian of a student under 21 who is in violation of local, state, or federal laws governing the use of alcohol or controlled substances;
• Appropriate parties, including parents, where a significant threat to the health or safety of a student or other individuals exists.

Guidelines for Release of Student Education Records

Parental Access – A parent can obtain access to a student’s personally identifiable information when:
➢ The student is accompanied by their parent to a meeting with a college official(s);
➢ The student has submitted an Authorization for Release of Educational Records on file in Admissions and Records; call 772-462-7460 for verification or to obtain a copy of the release;
➢ The student provides expressed written consent for third party release of education records;
➢ The parent provides proof that the student is a dependent by submission of documentation such as a tax return or court order;
➢ A health or emergency situation exists that threatens the safety of the student or others;
➢ A student under the age of 21 is in violation of any laws governing the use of alcohol;
➢ The student is deceased, upon which FERPA rights cease.

Dual Enrolled Students - The IRSC Application for Admissions for Dual Enrollment includes an acknowledgment that the student signs, authorizing the release of education records to the high school counselor and/or parent listed on the form. Upon confirmation of a dual enrollment app on file in Admissions, an instructor is authorized to share student education records with the parent or school.

Email Transmissions – FERPA prohibits the use of a student’s SSN or Student ID in the subject line of an email. The date of birth or Student ID may be used as an identifier in the body of an email being sent to other school officials within the college community who have a legitimate educational interest.

Grades - Notification of a student’s grades via their institutional or personal email address is not a secure method for release of student grades. Because there is no guarantee of confidentiality on the Internet, emailing grades is not recommended. IRSC would be held responsible if an unauthorized third party gained access to a student’s education record. It is equally inappropriate to discuss a student’s grade over the phone. Students should be referred to Student Services on any campus for instructions on accessing their grades online.

Performance Evaluations – Students requesting a performance evaluation must submit a request in writing to the instructor that includes the reason for the request and the student’s signature. The request and response should be retained for three years.
Phone Inquiries from a Student – Discussing student information over the phone is not recommended. Whether or not a release is on file, it is difficult to authenticate a telephone inquirer and capture an accurate record of what information was exchanged. The student should be asked to submit their request in writing and include their signature, Student ID, the reason for the request, and distribution instructions. The request and response should be retained for three years.

Phone Inquiries from a Third Party – A third party interested in attendance records or other student data that is in the possession of the instructor should submit a written request via fax or mail and include a copy of a signed release from the student. The instructor should respond in writing via mail or fax and retain a copy of the request, release, and response, for three years. Requests for student education records that do not include a student release should be referred to the Office of Admissions and Records at 772-462-7460.

Recommendations Letters – Some universities or employers require students to submit letters of recommendation to complete their application process. An instructor is permitted to compose a letter of recommendation from personal observations or knowledge of the student, and with the student’s expressed written consent, include personally identifiable information such as grades or GPA. All requests for letters of recommendation from students should be submitted in writing. The student’s written request and recommendation letter should be retained for three years.

Students with Disabilities – Students with disabilities may complete an authorization for release of records through the Office of Admissions and Records, which would allow a third party (i.e., parents, spouse, significant other, or family member) to communicate with various College personnel. A release of information form may be completed through Student Disability Services, which would grant permission for a third party (i.e., doctor, psychologist or agency) to communicate with SDS staff or college administrators. For verification of either release on file call SDS at 772-462-7782.

Third Party Request for Enrollment or Degree Verifications – Third party requests for enrollment/degree verifications should be referred to the College’s authorized agent, the National Student Clearinghouse, at www.enrollmentverify.org or www.degreeverify.org.

Distance Learning Best Practices
The same precautions used in a conventional course should be taken in a distance learning course. Communications and posting of written work for electronic submission or discussion in a class does not require the signed and dated specific written consent of the students, provided (a) each student is notified prior to or at the time of enrollment that posting of their work is a course requirement, and (b) each student performs their posting via a secured login, and (c) electronic postings of student work do not contain grades or personally identifiable information, (d) the posted work is available only to members of the class.

Since FERPA does not allow disclosure of student enrollment in a given course, an instructor may not allow anyone without a legitimate educational interest, to have access to any online component of a course containing personally identifiable information. Our FERPA requirements are largely fulfilled within Blackboard because all areas in which students' work, where names or IDs might be visible are restricted to prevent guest access.
Social Networking Tools
There are FERPA risks inherent in some of the social networking tools that reside outside of the IRSC Learning Management System such as blogs, chat rooms and social networking services.

Course requirements that include an external posting may or may not be subject to FERPA law. Sending a letter to the editor, or a post to a non-college blog or social networking site does not fall under FERPA unless it was also submitted and became a part of the educational record of the college. If a course contains an external component that also becomes a part of a student’s educational record, this type of submission should be assigned only if it can be done without the student being identified as an IRSC student, and without indicating that the submission is part of an academic endeavor. Otherwise, a FERPA privacy concern exists and additional safeguards must be observed, such as obtaining student permission, or pre-notification within the course syllabus.

FERPA and the Florida Sunshine Law
Section 1002.225 F.S. requires that all public postsecondary institutions comply with FERPA. Section 1006.52 F.S. exempts public postsecondary institution student application and education records from the state’s public records law s.119.07(1), F.S.

FERPA FAQ’s
Do FERPA rights cease? Students’ rights do not cease after enrollment ends or the student graduates. “Former” students have the same rights as currently attending students, except for the option for non-disclosure of directory information. Former students can request non-disclosure, but the institution has the option whether or not to honor that request. IRSC honors all requests for non-disclosure. The only time FERPA rights cease is upon the death of the student.

Does the parent of a student who is a minor have the right to see their child’s education records? Although the rights under FERPA transfer to the student once they enter postsecondary education, FERPA regulations allow for disclosure of information from the student’s education records to the parents of the student, without the student’s consent, if the parent can demonstrate proof that the student is a dependent for tax purposes. Parents who wish to access their child’s records under this provision must provide the relevant portion of their most recent tax return. The release of records based on proof of dependency should be coordinated by the Office of Admissions and Records.

Can an instructor provide a parole officer or other law enforcement agent with the class schedule of a student? As a general rule, a student’s specific class enrollment information may not be released unless a significant threat to the health or safety of the student or other individuals exist. All law enforcement officials should be referred to the Vice President of Student Affairs.

Can an instructor publicly post grades in class or via a class-accessible website or message board for students taking distance learning classes? No. This violates a student’s privacy rights. Students should be referred to Student Services at any campus for help with accessing their grades online.

What if I have additional questions?
For any scenarios not covered here, please call Sandra Nelson, Director of Admissions and Records at 772-462-7455.

Thank you for your part in keeping IRSC FERPA compliant!
Additional FERPA information available online at http://www.ed.gov/policy/gen/guid/fpco/index.html