

# Family Education Rights And Privacy Act (FERPA)

## Overview of Rights Under FERPA

The Family Educational Rights and Privacy Act (20 U.S.C. § 1232g;34 CFR Part 99) is a Federal law that protects the privacy of student education records. FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education and 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 attends a postsecondary institution.)

These rights include:

- The right of a student to inspect and review his or her education records;
  - "education records" are defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution.
- The right of a student to request the amendment of his or her education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA;
- The right of a student to file a complaint with the U.S. Department of Education regarding the alleged failure of the institution to safeguard a student's FERPA rights; and
- The right of a student to control the disclosure of personally identifiable information (PII) from his or her education records, except to the extent that FERPA authorizes disclosure without consent. Put another way, a school may not generally disclose personally identifiable information from an eligible student's education records to a third party unless the eligible student has provided written consent.

## Limitation of Rights Under FERPA

*Non-consensual disclosure of education records* - Under certain circumstances, Columbus State University may disclose a student's personally identifiable information from an education record without his or her consent. These circumstances are, as follows:

- to CSU officials with a *legitimate educational interest*. 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 responsibilities to CSU.
- to officials of another school in which a student *seeks or intends to enroll*;
- when the disclosure is in connection with *financial aid for which the student has applied or which the student has received*, if the information is necessary for such purposes as to determine the eligibility for the aid; determine the amount of the aid; determine the conditions for the aid; and/or enforce the terms and conditions of the aid;
- when the disclosure is to the *parents of a "dependent student"* as that term is defined by the IRS. Generally, if either parent has claimed the student as a dependent on the parent's most recent year's income tax statement (and provides credible documentation in support), the school may non-consensually disclose the eligible student's education records to both parents;
- to appropriate parties, including parents of an eligible student, in connection with a *health or safety emergency*;
- in some circumstances when a student has violated a Federal, State, or local law, or any rule or policy of the institution, governing the *use or possession of alcohol or a controlled substance*; and
- when information has been appropriately *designated as "directory information."*

## Directory Information

One of the major exceptions to the right of a student to provide consent before his or her education records can be disclosed involves information CSU has designated as "directory information," which is defined as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

CSU has designated the following information as "directory information," thus authorizing its non-consensual disclosure to a third party, unless, of course, a student "opts-out" by specifically informing the University that he or she does not consent to such a disclosure:

- Student's name
- Hometown
- Institution-assigned email address. Under this category, an institution-assigned email address may be disclosed without consent only to other, current students. In addition, students may not request email listings of the entire student body or segments thereof, except for academic purposes.
- Major field of study
- Enrollment status (e.g., full-time, part-time)
- Participation in officially recognized activities and sports
- Dates of attendance
- Degrees, honors, and awards received
- Thesis/Dissertation title
- The most recent educational institution attended
- Height and weight of athletes
- Class level

## Other Exceptions

Additional exceptions to FERPA's general requirement that CSU may only disclose personally identifiable information from a student's education records without his or her consent are, as follows:

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs;
- To organizations conducting an audit, evaluation, enforcement or compliance activity on CSU's behalf;
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction;
- To accrediting organizations to carry out their accrediting functions;
- To comply with a judicial order or lawfully issued subpoena;
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to some additional requirements. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding; and the disclosure must not include the name of any other student, including a victim or witness, without the written consent of that other student;
- To the general public, the final results of a disciplinary proceeding, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her.
  - The disclosure of the final results only includes the name of the alleged perpetrator, the violation committed, and any sanction imposed against the alleged perpetrator.
  - The disclosure must not include the name of any other student, including a victim or witness, without the written consent of that other student.

## FERPA Cheat Sheet

- [FERPA Cheat Sheet](#)

## Questions

Questions or concerns about FERPA or the university's interpretation of this federal law can be directed to the Whitley Hall, General Counsel, at [706-507-8904](tel:706-507-8904) or via email at [hall\\_whitley@columbusstate.edu](mailto:hall_whitley@columbusstate.edu).

Questions can also be directed to the [Office of the Registrar](#), 706-507-8800.