

FERPA Case Studies for Faculty

Class Announcements

You hear that George Professor requested aloud to his class that any disabled students in the room identify themselves, by holding up their hands, if they need special accommodations for the class or for tests. Was this approach appropriate according to FERPA? What suggestions would you give to the faculty member?

This is certainly not an ethical approach, even if it doesn't directly violate FERPA. Consider options, such as asking the student to call, visit during office hours, or meet after class.

Class Web-Based Discussion Sites

Fred Faculty teaches a course that has a Web-based discussion component. Class members can see each other's email addresses and name. It is not open to the public for view or use. Are there any FERPA issues?

Since the discussion site is only accessible to students in the class, there is no FERPA issue. It is advisable for the faculty member to remind class members that the discussion threads should not be shared with others outside the class without permission from the author to do so. No non-directory information should be displayed on the site. The 2009 FERPA regulations specifically state that student usernames can be displayed to others in a class, even if the students in question have chosen "no release" for their directory information.

Class Web-Based Discussion Sites, Part 2

Instructor Ivana wants to make her online course management (*i.e.*, Moodle) pages publicly accessible to anyone. Are there FERPA implications for making this information available to individuals beyond the course?

Yes. Specific course registrations and personally identifiable class materials from students are not directory information. Therefore, they should not be publically accessible. Additionally, there may be students in the course who have chosen "no release" for their directory information; displaying their information effectively disregards this request. The instructor can offer a voluntary "public" version of her course but cannot compel students to participate.

Consortia/Exchange Programs

You have developed an exchange program with an institution in Russia. The president of this Russian university wants to stay current with the academic progress of all the Russian students, so would like to receive their grades each term. As the students' advisor, you hear that some of the students would prefer that you not forward the grades to the Russian school authorities. What do you do?

Two possible solutions to consider:

** Is the program realistically considered a joint enrollment program between both institutions? If so, then does the president of the Russian school have a legitimate "need to know" the student information? If yes, then the information can be forwarded, even without the students' consent. If this will be the normal course of business for the program, you may want to consider notifying participants of this in advance.*

** Consider asking the students when they apply or register for the program for permission to exchange this information with the "home" school. That way, they have not only been notified in advance, they have authorized the release of the data.*

Distance Education Course Enrollment

Your institution is increasingly enrolling students in online coursework. A student in one of those classes asked you if her educational record was covered by FERPA in the same manner as students taking classes in the traditional way. What do you tell her?

The 2009 regulations clarify that education records on students in non physical presence circumstances are subject to FERPA.

Faculty Access to Admissions Records

Fred faculty member wants to review the admissions files, including transcripts for students currently in his program. Is this permissible?

In general, faculty members do not have a legitimate need-to-know to access admissions files once an admissions decision has been made.

High School Dual Enrollment Students

Melanie is a senior in high school and is also taking classes at LCC, the local community college. The classes she is taking at LCC count both for high school and college credit. How does FERPA apply to her education records?

FERPA applies to both primary/secondary and college/university records, but in different ways. For postsecondary enrollment, the "ownership" of the education record is vested with the student, regardless of his or her age. However, until a student begins college work or turns 18, whichever occurs first, the "ownership" of a student's education record is considered held by the student's parents or legal guardians. Thus, the typical record for a high school student is managed by the student's parents. That is why grades and other education records information for high school students are routinely released to parents. However, that is not true for a college student. Unless the student has signed a consent form or the parents have established the student's dependency status with the institution, grades are not routinely released to parents. In this scenario, Melanie is both a high school and a college student. The university should treat her as it would any other college student and her records are treated accordingly as well. Most State provisions for postsecondary enrollment option (dual enrollment students) contain reporting requirements, including grades, back to the high school or secondary school district. Since it is routine for most high schools to communicate grade information to parents, the likely result is that LCC releases grades to Melanie, and to Melanie's high school. In turn, the high school likely releases grade information to Melanie's parents.

Podcasting Classes

Professor Pendergast wants to publicly podcast the entire content of his courses. This includes class discussion. He decides this shortly before the term begins and hasn't notified registered students that this will be occurring. What are the FERPA implications for this practice?

Student participation in class discussions should not be made public without their express written permission.

Posting Grades

John Faculty is tired of taking phone calls from students to find out their grades after every examination, so he decided to post their grades on the wall outside his office door. Should he do this? If yes, are there any limitations to the manner in which he posts them?

In general this is not a good practice since many institutions have electronic means for students to view their grades in near real-time. If the faculty member insists on this practice he/she can do so; however the grades must be posted in such a manner known only to the individual student and the instructor. For example, a code established at the beginning of the term could work. Grades should not be posted in the same order as a class roster or in alphabetical order.

Sole Possession Notes

Joe Student is assigned to Annie Adviser. At one point during the year, he asks if he may view his education record, including everything that Annie has written about him. He is concerned about what personal information Annie has included. Does

FERPA allow access to all of his record? If not, can he still see his record? A year later, Joe is now assigned to Bill Adviser, who “inherited” Joe (and his record) from Annie. If Joe asks to see his record again, would there be any limitations? How should the institution respond?

Records “within the exclusive control of the maker” do not need to be released, although the concept of “sole possession” records is that they are memory-jogging types of notes, not a means by which to “hide” important student records information. The rest must be released after removing references to other students. Once given to Bill Adviser, the entire record becomes an education record, accessible to Joe.

Talking with Parents

You are an adviser in a college office. You receive a call from Dave and Kathy Smith, the parents of one of your former students. Their son, Kevin, was dismissed over a year ago. Dave and Kathy live in Florida and have been paying for Kevin to attend your college for every term during the last three years, including room and board and out-of-state tuition. They called to see how things were going since they don’t hear much from Kevin about school. How do you handle this conversation?

FERPA permits disclosure of information from education records to parents of students in a few different circumstances:

- * A health or safety emergency situation.*
- * When the student has been found in violation of conduct related to a controlled substance or alcohol and is under the age of 21.*
- * When the student is dependent based on the IRS definition of “dependency.”*
- * When you have written permission from the student. Here, prior consent is required to release anything but directory information. However, so long as Kevin has not opted out of directory information, the school official could inform the parent that Kevin is not a student at the institution. You cannot tell the parents he was dismissed. Also, consider practical tips for talking with the parents. Find out what they already know and then build from it. If appropriate, discuss use of the dependency exception for providing access to Kevin’s record.*

Talking with Parents or Third Parties

Following commencement, you are helping to distribute diplomas to students who did not attend the ceremony. Cindy Student and her parents come up to get her diploma. You check the student’s record and discover that Cindy was dismissed a year ago. How would you handle this situation in light of FERPA?

It would be advisable to receive written consent from the student, even if agreeing to meet with the student and parents together. If the student refuses, you can release only directory information, unless the parents can provide proof that the student has been claimed as a dependent on the most recent tax submission.