

# FERPA Case Studies for Staff

## **Access by Campus Law Enforcement Officials**

Detective Sanders from campus security calls your office to get the address for a student. In the same conversation he asks for the class schedule for that student. Do you give it to him? What if Detective Sanders says that he has a warrant for his arrest?

*FERPA regulations consider campus security officials as employees with a "legitimate educational interest" if they are designated as "school officials" and operating within the scope of their employment. The warrant would not be necessary. It is advisable for institutions to include campus law enforcement personnel as school officials in the annual notification to students.*

## **Access by Divorced Parents**

Frank's parents are divorced. By agreement, his mother claims him as dependent, but his father is required to pay his way through college. Frank and his mother have both refused to tell Frank's father anything about his academic progress at State College. Frank's father turns to the institution for help. Can the institution give him the information?

*The regulations allow release of information to either parent if the student is claimed as a dependent on either parent's taxes. The institution should obtain a copy of the tax return validating dependency prior to disclosing the information. The father may need to resort to court action to gain access to the education records information.*

## **Access to Military Veterans' Records**

One of the colleges in your school wants to reach out to military veterans in their programs to serve as mentors to other returning service members they know the office that serves veterans is housed in your department and have asked you for the data. Should you provide it?

*You should be cautious about releasing this information. Best practice would be to encourage the program to request students self-disclose if they are interested in participating in the opportunity.*

## **Access to Parents' Email Addresses**

Your foundation wants to contact the parents of graduating seniors to offer them the opportunity to purchase a graduation gift for their son/daughter. They ask if you can give them the email address of the parents that you have on file.

*Just as a parent's tax return is an education record on the student, so too is the parent's e-mail address. The parent's e-mail address is personally identifiable information on the student.*

## **Access to Student Records Information by Outside Foundation**

An outside foundation associated with our institution would like to gather information on the student body. What information are we allowed to give them?

*Outside foundations that do not provide any sort of education program do not have legitimate educational interest because they are not employees of an educational institution. Information can only be given to them with the signed consent of the students.*

## **Access to Student Records Information by Student Organizations**

The Smart Student Honor society requests a list of students with 3.85 cumulative GPAs or higher. Can you comply with their request?

*Student organizations, including honor societies, can generally be provided only directory information. If your institution has designated honors as directory information you may provide this list, after first removing students who have opted for no-release of their directory information. Alternatively, the honor society can provide Student Activities with their membership materials and they can distribute them to students who meet their stated criteria.*

### **Access to Student Records Information by Third-Party Financial Supporter**

Phil Student has education benefits from the company for whom he works. After the completion of a term, a representative from the company contacts the Registrar's Office to validate Phil's enrollment and academic progress. What can you tell them?

*You can certainly verify enrollment and anything that is directory information (assuming Phil has does not have a no-release on his record). Beyond that, you would need to have written permission from Phil to release additional information. Many, if not most, employer-sponsored education programs require the employee to authorize release of certain education records information as part of the program's application process. So, the company may, in fact, already have a waiver they can forward to you. If the student applied for financial aid, the financial aid exception might also apply to this case.*

### **Access to Transcripts for Re-Release**

You have a scholarship agency who wants to re-release transcripts of scholarship recipients to those individuals who have donated to the scholarship fund. You are concerned about whether or not this allowed under FERPA. *The scholarship agency should not be re-releasing the transcripts. You should inform them that the law does not allow for such actions and if they do, they will lose access to those records for five years.*

### **Alumni Records**

Tom Terrific graduated from State University several years ago. He has been very involved as an alumnus. A journalism student wants to write a story about his involvement at the university, both as a student and as an alumnus. What can be released to the student?

*Alumni records are generally open to the public because they are not "education records" under FERPA. However, that does not mean that Tom's education records information from when he was a student is releasable. You can release only directory information regarding education records from when Tom was a student. If the journalism program has a way to contact Tom Terrific and get his permission to release nondirectory information, you can accept a signed release from him. Also, since this is a state school, the state's open records law may apply to any "alumni records" since FERPA does not.*

### **Financial Aid Issues**

You work in the Financial Aid Office. You are talking with a member of an alumni group. They are establishing a new scholarship to be offered to students from their local area who are attending your institution. The evaluation of the applications will be done by a scholarship board from the alumni group. The alumnus has asked you for the names, addresses and GPA's for all the currently-enrolled students from that area. What should you give them?

*Since the alumni are not employees of the institution, they could not generally be provided personally identifiable information from student records. Therefore, you should only release directory information to them. However, if students applying for financial aid have given written permission to release information to third parties in reviewing all their financial aid opportunities, you could release their information.*

### **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.*