

Employees: FERPA– Understanding the Student Privacy Law

FERPA - Family Educational Rights and Privacy Act (1974)

- Federal Law that protects the privacy of **students' education records** by requiring that **personally identifiable information** only be released to parties with a **Legitimate Educational Interest [LEI]**
- Applies to all institutions that receive funds from the Department of Education
- Protects the privacy of all students at MC, regardless of age

LEI is defined as, “**Need to Know,**” or performing a task that is specified in your position description or contract:

Related to a student’s education; or related to the discipline of a student

Providing a service or benefit relating to a student or student’s family

Maintaining safety and security of the campus

- Access to Education Records in most cases is limited to parents listing students as their tax dependents on their most recent Federal Tax Return Form 1040, state auditors, school officials, other higher education institutions, organizations conducting research, court orders/subpoenas, and third-party vendors
- **LEI is NOT a curiosity about the academic record or disciplinary proceeding**
- All records of all students are not open to all faculty and all staff of MC

Failure to Follow FERPA

1. Student victims of **Identity Theft and other crimes**
2. Student complaints require significant time and attention to resolve
3. **Job dismissal**
4. **Loss of federal funding**

Students' Rights under FERPA ([Annual Notice to Students](#))

1. To inspect and review their education records
2. To request to amend their education records
3. To limit disclosure of “personally identifiable information” known as *directory information*
4. To file a complaint with the Department of Education concerning an alleged failure by the institution to comply with FERPA.

Protected Education Records

- Admission information for enrolled students
- Biographical information
- Course information, coursework and information about academic progress
- Disciplinary records
- Student accounts and financial aid records

Directory Information (PROCEDURE - Montgomery College [41003CP](#))...

... Designated by the College to include the following information, which would not be generally considered harmful to the student, or an invasion of privacy, if disclosed:

Student’s name; student’s e-mail address; high school attended; major field of study (including current classification, year, credit load, and number of academic credits earned toward degree); dates of attendance; degrees and awards received (type of degree and date granted); participation in officially recognized activities and sports; and photograph, weight and height of members of athletic teams

The following information will not be disclosed, but may be verified: Address; telephone listing; and date of birth

Tips on Managing Student Records

DO

- Review the FERPA Policy before responding to a request.
- **Ask to see identification before granting access to student records. In granting access to parents, request the parent's Federal Tax Form 1040 from the most recent tax year, in addition to photo ID.**
- Explain to a student, colleague, etc. why you are unable to provide information, if a LEI does not exist.
- **Obtain signed, written permission from a student before sharing information with someone OTHER than the student or parent (see above).** Written permission must be dated and signed by the student, specify the information to be disclosed, and specify the name of person or entity to be given information.
- **"Lock Workstation" (Ctrl + Alt + Delete) before you walk away from your computer.**
- Log-off My MC for students if they forget.
- Cover all student information when someone walks over to your workstation.
- Secure all student information when you leave your desk.
- Shred all student information when you no longer need it.
- Delete personally identifiable information, including M-number, before sending an e-mail if a LEI does not exist. **Keep M-numbers and student names out of the e-mail Subject: line!**
- Use College e-mail only to send and receive FERPA protected information. Only send FERPA protected information to students via their MC e-mail addresses.
- Engage in peer grading; this practice was upheld in a recent Dept. of Ed. finding. The work becomes part of the student record when collected by the faculty member or entered into "the grade book."
- Keep student information out of social networks.
- Consult FERPA@montgomerycollege.edu before releasing information to third parties outside of MC.
- Send subpoenas, summons and legal process requests to the director of admissions & enrollment management.
- **Contact Safety and Security if you have information (confidential or otherwise) that a student may cause harm to himself/herself or others.**

DO NOT

- Provide anyone with student schedule information or assist anyone other than a MC employee in finding a student on campus; refer requests to Safety and Security.
- Post student information in a public place on which names, SSNs, Student IDs, or other personal identifiers are displayed; **this includes sign-in sheets!**
- Release grades over the phone without authenticating the student through a factoid that only the student would know, such as the location of all of their classes from a past semester. **Best practice: Refer students to My MC for grade information!**
- Give confidential information to a student's friend, classmate or anyone else. Instead, mail the student his or her information, or if you receive an e-mail from the student giving permission to a third party take the work, put the student's work into a sealed envelope, ask for a picture ID of the person you're giving the information to and keep a copy of the e-mail!
- Release the grades of individual students to others, even if you do not distinguish who received which grade. **Release a calculated class average instead of a grade distribution,** particularly in courses with small enrollment.
- Leave graded work on a table in a full classroom. **Instead, hand work directly back to each student.**

Remember... When in doubt, DO NOT give it out! Questions? FERPA@montgomerycollege.edu