

Summary of the FERPA Regulations

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) is a federal law that protects the privacy of personally identifiable information contained in a student's educational record. FERPA applies to all schools (K-12 and postsecondary institutions) that receive funds under various programs from the US Department of Education.

FERPA defines "educational records" as records containing information in any medium—paper, electronic, microfilm, etc.-- that directly relate to a student and are maintained by an educational institution or by a party acting for the institution.

The information listed below is not considered part of an educational record and thus is not regulated by FERPA. However, the information may be regulated or protected by other federal and state laws.

Items not considered part of an educational record include:

1. Records kept in sole possession of the maker that are not accessible or revealed to any other person except as a temporary substitute;
2. Certain law enforcement records
3. Employment records that relate exclusively to the individual as an employee;
4. Record that contain only information about an individual after s/he is no longer a student.

Conditions for which Student Records Can Be Disclosed Without Consent

Generally, schools must have written permission from the student (or parent, if the student is a minor) in order to release any information from a student's education record. However, FERPA allows schools to disclose educational records without consent under special circumstances. The US Department of Education's summary of the FERPA regulations lists the following conditions under which student records can be disclosed without consent:

1. School officials with legitimate educational interest
2. Other schools to which a student is transferring
3. Specified officials for audit or evaluation purposes
4. Appropriate parties in connection with financial aid to a student
5. Organizations conducting certain studies for or on behalf of the school
6. Accrediting organizations
7. To comply with a judicial order or lawfully issued subpoena
8. Appropriate officials in cases of health and safety emergencies
9. State and local authorities within a juvenile justice system, pursuant to specific state law.
10. Directory information. FERPA's definition of "directory information" is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. FERPA provides guidance on what may be considered directory information; however, each institution is free to designate less information as directory information. FERPA permits the following to be designated as directory information: the student's name, address, and telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (e.g. undergraduate or graduate, full- or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams' degrees, honors, and awards received' and the most recent educational institution attended.

UA's definition of directory information is: Name; local and permanent addresses and phone numbers; UA e-mail address; full or part-time enrollment status; class/level (rank); UA school or college; major(s) or degree program(s); degree(s) earned and date(s); academic awards and honors; prior postsecondary institution(s) attended; dates of attendance; participation in officially recognized activities and sports (or in intercollegiate athletic teams); and weight and height of members of intercollegiate athletic teams.

For more information go to http://www.registrar.ua.edu/ferpa_fact_sheet.html.

Researchers should note that the following are never designated as directory information: student social security numbers, citizenship, gender, religious preference, grades, and grade point average (GPA).

Under FERPA students are also given the opportunity to file a request to prevent disclosure of directory information ("opting out"). If a student opts out, the university will not release any information on a student.

For Additional Information:

For questions about UA FERPA regulations, contact Registrar Michael George at (205)348-7219 or at Michael.george@ua.edu .

If you have questions about privacy issues of your proposed research (HIPAA) with any university records, contact Ms. Jan Chaisson, UA Privacy Officer, at (205) 348-1231 or jchaisson@cchs.ua.edu .

Adapted from the University of Kentucky Document