FERPA Case Studies with Answers

Pick and choose case studies based on your audience and time allotted. Using case studies provides an opportunity for hands-on exposure to practical FERPA-related issues. Consider breaking into small groups for discussion of possible solutions, and then come back together for analysis and sharing.

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 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.*

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.*

Parents who are Employed at the Institution/ “Legitimate Educational Interest”

Stephanie Student attends Cole College as an undergraduate. Her father is a faculty member in the medical school there. He wants to find out how Stephanie is doing in school, so he calls the registrar’s office to find out. How should the office respond?

*The father does not have a legitimate “need to know” Stephanie’s record even though he is on the faculty. You need to get a signed consent from Stephanie or show dependency.*

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.*

Responding to Subpoenas

State University in Michigan received a subpoena for Gene Student’s academic record. The subpoena is from a State court in California and the materials are due tomorrow. How should the institution respond? What if the subpoena specifically stated that the student is not to be informed?

*Since the court is in California, and does not have jurisdiction over your institution, do you care? If you decide to comply, then make sure that you follow the procedures in* §*99.31* (see page 150)*. You always need to provide time for the student to get included in the “loop,” unless it is an ex parte, Grand Jury or law enforcement subpoena that specifically states otherwise. Just because a subpoena states you shouldn’t inform the student doesn’t mean that you are not obligated to do so.*

State Databases

Your State Board of Higher Education is establishing a centralized database for student data, and your institution is a state school. They are asking for detailed records information concerning every student enrolled at any state institution. This data will be used to review academic programs across the state, conduct studies regarding educational trends, and provide data regarding articulation among the institutions. You work in the Enrollment Services Office and have been asked to prepare this data for the Board. Should you have any FERPA concerns?

*As it relates to analysis within the state agency, the regulations provide for the release of personally identifiable information to a state or federal agency for this purpose. It is the responsibility for the agency to take the appropriate steps to protect the integrity of the data once received, and ensure that it is used solely for the purposes intended. In general, data should only be publicly released by the agency in the aggregate, and once no longer needed, the personally identifiable information should be destroyed. However, as this request applies to release of student information to other institutions, any disclosure would need to be limited to directory information. For example, it would be appropriate to share the names of students who have transferred, but not their social security numbers.*

Admissions Records

Jan Student applied to be a graduate student at State University and was denied. She demands to see her admissions file, including all her reference letters. Does she have a right to access this information? What are the issues to address in making that decision? What if she later enrolls to audit a course since she had been denied regular admission? Same result? Could State University have destroyed her admission file, thus denying her access? What if she attended State University as an undergraduate? How should the institution respond?

*Tarka* v. *Franklin (5th Cir., 1989). Student was not admitted as a regular student and the University of Texas did not have to release the information under FERPA since the student was not “enrolled.” Enrolling as an auditor was also not sufficient to provide access to the admissions record related to the Graduate School. Since there is no records retention plan within FERPA, the institution could have destroyed the record within its established records retention plan. The records, however, may be accessible by the student under the state’s open records law. In fact, that happened with this case in Texas.*

Private Cause of Action under FERPA

Ralph Student feels that his college records have been released inappropriately. Can Ralph use FERPA to bring a suit against the college? Why or why not? What other options might he have as well? How should the institution respond?

*There is no private cause of action under FERPA. This issue was recently confirmed by the U.S. Supreme Court in Gonzaga University and Robert S League* v*. John Doe, a 2002 decision. The student might want to pursue action under a Common Law remedy, such as libel or slander.*

Use of Technology in Transferring Education Records

Sally Student has applied to your institution as a transfer student and you want to receive a transcript of her previous education record. Can you request to have the information sent to you electronically? Do you need to get written permission from the student in order to receive Sally’s transcript from her previous school?

*FERPA does not address how a record is transmitted, so you just need to address the procedural and security issues that you always have with the release of transcripts. The regulations provide the opportunity for an institution to release student records information to another institution when one of its students has enrolled or applied to enroll at the second institution. However, the fact that the initial institution follows this approach must be clearly stated in the institution’s FERPA annual notification so that students have reasonable notice of this procedure. If the institution’s annual notice does not state that you forward records, the student must be notified when his or her record is disclosed under this exception. It should also be noted that many applications for admission include a statement for the student to sign which permits the first institution to send the student record, upon request, to the second institution. Regardless of the manner in which the education record is transferred, most institutions ask students to submit a transcript request (either in writing or via a secured electronic application) to forward the record. That way there is both a record of the permission and the records transfer.*

Sending Transcripts

Debbie Student needs transcripts sent immediately to a prospective employer in Illinois. She is currently attending graduate school in Michigan, but graduated from a university in Ohio last year. She calls you in the Registrar’s Office at the Ohio school. What are your options?

Option 1: Debbie could fax written consent for you to release a transcript.

Option 2: Ask whether or not the Michigan institution would send both the current and previous transcripts. While most institutions would not be willing to forward a copy of a previous intsitution’s transcript, some might.

Option 3: Send the request using express mail.

Option 4: Electronic request, utilizing an e-signature.

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.

Students as Student Employees/Disciplinary Records

Sue Student works in the registrar’s office. She has an ax to grind with her ex-boyfriend, Ken, so she tells his fraternity brothers that he was recently placed on academic probation and is in danger of being dismissed. She knows that Ken cannot continue to hold his office position in the fraternity if they know that his grades are bad. She viewed Ken’s grades while working in the registrar’s office. Obviously, Ken and his parents are very upset, and have hired an attorney to address this situation. Can Ken’s attorney use FERPA or the state’s open records law to determine if any disciplinary action can be taken by the university against Sue? Would it make a difference if the university was private or public? Would it make a difference if Sue was a regular employee rather than a student? How should the institution respond?

Sue should not have looked at nor released the information from Ken’s record. If the office knows she did so, the institution should take disciplinary action. That said, *FERPA* precludes release of Sue’s employment information since because she holds her position as a student, Sue’s employment records are “education records.” FERPA trumps the typical state’s open records law, and thus a state’s open records law might not be applicable. However, even if it were, a state’s open records law would probably apply only to state (public) institutions, rather than to private ones. If Sue was a regular employee, then *FERPA* would not apply and the typical state open records law might require release of the information.

Disciplinary Records, Scenario 1

Paul Student was assaulted on campus a few weeks ago. Campus security was able to track down the alleged assailant based on Paul’s description. It turned out to be another student. Paul filed charges with the local police department, and also with the campus judicial office. He knows that a hearing was held on campus, but he hasn’t been able to find out what the outcome was because the hearing was confidential. Does Paul have the right to know what happened at the hearing?

Since this was a “crime of violence,” the institution may release the hearing results to the alleged victim regardless of the outcome and to the general public if the student perpetrator was found in violation of the institution’s code of conduct.

Disciplinary Records, Scenario 2

“University Gossip,” the student newspaper at State University in Ohio asks the judicial affairs office for details about judicial cases on campus. They believe it is their First Amendment right to have access to the information, and that students across campus have a right to know about campus crime and other judicial actions. Is this a FERPA issue? What should be released to them?

 *Disciplinary records are education records, and therefore covered by FERPA. Federal Court decisions have affirmed this Department of Education interpretation. In 2000, the Federal District Court in Columbus, Ohio held that disciplinary records were, in fact, education records and permanently enjoined the institutions involved from releasing personally identifiable information from those records. That decision was affirmed on appeal by the 6th Circuit Court of Appeals in 2002. However, note that FERPA now allows certain limited release of the outcome of disciplinary hearings related to “crimes of violence.”*

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.

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 non-directory 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.

Student Loan Clearinghouse/Agents

Your institution is very excited about the possibility of participating in the National Student Clearinghouse. Rather than your institution having to verify enrollment information separately to each lending agency, most of this process would occur through the one, centralized clearinghouse. To participate, your institution would need to provide enrollment information about all its students to the Clearinghouse. What FERPA considerations are there?

*The* *Department of Education says that the Clearinghouse is acting as a legal agent of the institutions contracting with the NSC. Therefore, you may release information about non-loan students. The financial aid exception in the regulations allows access for all the students receiving aid. It is advised that all schools that intend to release information to agents or contractors include these entities in the annual notification to students. They do not need to be enumerated by name, but rather a statement that the institution may release non-directory information to agencies with whom it contracts for services.*

Records of Deceased Former Students

George is doing some family background research. He discovers that his deceased great grandmother attended Goodman State University many years ago. He asked the registrar’s office at Goodman State for any records they have for his great grandmother. What should they provide?

*FERPA rights, and, in general, the right to privacy, end at death. State law may dictate some parameters for dealing with records for deceased persons, but this is fundamentally an institutional policy decision. Many institutions tend to treat records for deceased students as they would for living students, except that the “next of kin” is viewed as the “owner” of the record since the student is deceased. It is also appropriate to ask for proof of death if not already recorded in the institution’s data files.*

Violation of Substance Abuse Records

John Student was caught smoking marijuana in his residence hall room at State University. The residence hall director wonders whether or not it is appropriate or even allowed for him to contact John’s parents since John is 20 years old and is no longer dependent on his parents.

*FERPA provides flexibility for the institution to contact parents of students under the age of 21 — regardless of whether or not they are dependent for tax purposes (and therefore within the FERPA definition) — if a student has been found in violation of institutional policy or any laws/regulations related to substance abuse. Note that there is no affirmative requirement for the institution to do so. Note also that state law may prohibit such disclosure without permission from the student.*

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.*

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.*

Grades and Honors

Prestigious Engineering Firm has asked you, the Registrar, for a list of the names and addresses of engineering students in the top 10% of the senior class so that they can send them information regarding a tremendous employment opportunity. How should you respond?

*The institution should establish a policy about release of information to third parties. Grades/GPA can never be directory information. It is OK to release directory information, but the designation of top 10% is not typically directory information, and is more likely to be considered “too close” to releasing actual grades information. However, it should be OK to release the “Dean’s List” without consent, if that honor is included in your directory information. You could also offer to have the firm provide you their recruiting materials which the institution could forward on to students who meet their qualifications.*

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 GPAs 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.*

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.*

Change in Record

Jeff Student graduated from State University last year. It was recently discovered that he plagiarized some of the work on his dissertation and his Ph.D. was revoked. You receive an inquiry over the telephone from a potential employer about his academic record. What should you say? Should you do anything else since his degree was revoked?

*Degree information would typically be considered directory information; however, before confirming whether or not Jeff has a degree you must check if he has requested a non-release. If he has not, you can confirm that the student does not have a degree from your institution. Don’t say that the Ph.D. was revoked; simply say that he has not received one from your institution. You might want to consider contacting others who have requested an official transcript since the Ph.D. was awarded to give them a “corrected” copy.*

Emergency Situation, #1

Mom calls the registrar’s office, looking for information about her son, Travis. She has not heard from him in three days and he does not answer his cell phone. She is worried. She wants the names, phone numbers and emails of her son’s instructors to verify with them if he has been coming to class. Should you provide that information?

*Under routine circumstances, you would not release course information to Mom since course enrollment information is not likely considered directory information. You could contact the faculty members on behalf of Mom to inquire about Travis’ attendance, or you could send someone from your office or the university police to the class to talk with the student. If you felt that this was a genuine health or safety emergency, you would have more flexibility to release information, but here you have a very reasonable alternative. If it turns out that Travis has recently not been attending class, it would then be advisable to contact the police and let Mom know. In addition, if you or others have recently seen Travis you could communicate that information to Mom since it is not information from an education record.*

Emergency Situation, #2

Cindy, a student at your campus, has attempted suicide. An adviser from her college office calls asking about whether or not they can initiate a withdrawal for the student per the parent’s request. The student is coherent, but still very shaky. What would you tell the adviser? Does it make a difference if the student has a no release on her record? Does it matter if this occurs earlier or later in the semester?

 *If you are able to obtain the student’s permission to begin withdrawal procedures, you should do so. If not, you will need to use your professional judgment.*

Implied Consent and FERPA

Ted Student is a very outspoken and well-known student-athlete at Barrett University. In a recent news conference he discussed a great deal of information about his academic and disciplinary record. A nosy reporter calls you in the registrar’s office to confirm the information and to get some more details. What should you tell him?

*You can only give out directory information (assuming Ted does not have a “no release”). Even though the student made the information public, you still need a student release in order to release or, in this case, confirm it. There is no implied consent with FERPA. An effective strategy would be to provide the reporter with a consent form and suggest getting the student’s signature on it. This places the burden on the student to decide whether or not to release the information to the reporter.*

FERPA and the Solomon Amendment

You are new in the registrar’s office and are responsible for responding to data requests. You just received a request from the local Marine recruiter, asking for a long list of information about most of your students. The recruiter based the request on the Solomon Amendment. What should you give him?

*The Department of Education has determined that the Solomon Amendment supersedes most elements of FERPA. An institution is therefore obligated to release data included in the list of “Student Recruiting Information,” which may or may not match the FERPA directory information list you have published for your students. However, it has also been interpreted that the “No Release” code placed on student records for FERPA directory information can also be applied to release of information under the Solomon Amendment because the student has asked that no information be released to any third party. Therefore, data regarding those students can be removed from any data released to the recruiter.*

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.*

Research Exception for Disclosure to Another Institution

A high school guidance counselor at a local high school contacts your office seeking student level course and grade information on students who previously attended her high school and are now enrolled at your institution. The counselor goes on to say that the reason she wants the data is to evaluate the success of the college prep and advanced placement courses that are taught at the high school. She was assigned this research project by the principal of her high school. How do you respond?

*The research exception within FERPA applies only to studies or research done on behalf of the institution where the student is currently enrolled. Since this is not the case here, then the information cannot be released. One option would be for the counselor to obtain releases from each student whose record she wishes to evaluate. Also, assuming the number of students is large enough, you might be able to at least provide some non student identifiable summative outcome information or aggregate data.*

Student ID Numbers (SINs) as Directory Information

Your institution is reviewing whether or not your list of directory information items should be updated. It was proposed that student ID numbers should be included so that it could be listed in the online Student Directory. Are there any FERPA considerations?

*The 2009 regulations establish that student ID numbers cannot be considered directory information items unless expressly necessary as electronic identifiers, and only in conjunction with other security protocols. The amendments also confirmed that social security numbers can never be directory information nor used in confirming directory information without a signed consent.*

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.*

Definition of “Personally Identifiable”

You have been asked to provide information about student-athletes at your institution, including their graduation success rate, and sorted out by sport and race. The names of the individual athletes would not be included. Clearly, race is not a directory information item, but should you be concerned about anything else from a FERPA perspective in releasing the data?

*Releasing student information in the aggregate is permissible under FERPA so long as the identity of an individual student cannot reasonably be extrapolated from the aggregate data. The 2009 regulations replaced the term “easily traceable” with “identifiable with reasonable certainly” to apply to these circumstances.*

Validating a Transcript

You receive a call from the Registrar at Distant University. A former student from your institution has submitted a transcript from your institution to Distant U. The Registrar is concerned that the transcript has been falsified. What can you tell him?

*The 2009 regulations clarify that it is appropriate for the purported source of an education record to be able to validate the authenticity of that record to the recipient.*

“Legitimate Educational Interest” Access to Educational Records

You are helping to design security protocols for your new student information system. You heard that you can allow access only to those faculty and staff with a clear “legitimate educational interest” for individual student records. How detailed does your online security system need to be to meet expectations?

*The 2009 regulations clarify that institutions are expected to use “reasonable methods” to ensure that an official is given access to only those education records in which the official has a legitimate educational interest. These reasonable methods can include systems functionality, institutional policies and institutional business practices or a combination of those. However, the institution must be able to demonstrate that any such methods are effective in keeping it in compliance with the legitimate educational interest requirements in §99.31(a)(1)(i)(A).*

Data Breach

Professor Paulson calls you in the registrar’s office to tell you that his laptop was stolen. There were student record files on the machine, including grades. Are there any FERPA issues? Other legal issues? What advice might you give the professor?

*It would be a violation of FERPA, albeit completely unintended, if the thief was able to access the “student identifiable information” beyond any directory information. This would constitute inappropriate release of information to a “third party.”*

*The 2009 regulations to FERPA outline some guidelines and recommendations for safeguarding and responding to data breaches. Suggested responses for data breaches and other unauthorized disclosures include:*

*\* Reporting the incident to law enforcement authorities. Depending on the nature of the breach, you may also have state or federal legal obligations. For example, if the data files contained SSNs, many states have reporting and notification requirements.*

*\* Taking steps to retrieve data and prevent further disclosures.*

*\* Identifying all affected records and students. It may be appropriate — even required — for you to notify the students affected.*

*\* Determining how the incident occurred. How can you prevent similar future exposures?*

*\* Determining whether institutional policies and procedures were breached. Do you have policies related to breaches, encrypting student data on laptops, the appropriateness of student data on laptops, etc.?*

*\* Conducting a risk assessment.*

Non-Credit Courses

Janet Adviser from your continuing education division asks you whether or not the records for students in the non-credit classes offered by CED are covered under FERPA. Are they?

*If the records contain personally identifiable information about students and are maintained in any way by the institution, then the fact that they are non-credit is not relevant. They are education records and are covered by FERPA.*

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.*

Faculty Access to Admissions Records

Fred Faculty wants to review the admissions file, 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.*

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 you with their membership materials and you 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 a “Y” 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.*

Student Athlete Transferring to Another School

Sally Student Athlete is transferring to another school. The school she is intending to attend requests that you complete a transfer form, certifying the student is still eligible to compete at your institution. Can you complete this form? Can you include information on GPA, disciplinary issues, or financial issues?

*The 2009 FERPA regulations clarify that an institution can provide information, including grades and disciplinary records, to institutions where a student seeks or intends to enroll. So, yes, you can provide the requested information.*