

SECTION: 1.0 General

SUBJECT: FERPA

Title: The Family Educational Rights and Privacy Act (FERPA)

Background: The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available.

Point of Contact: Registrar & Records Office

Other Lewis-Clark State College (LC State) offices directly involved with implementation of this policy, or significantly affected by the policy: N/A

Date of approval by LC State authority: September 28, 2023

Date of State Board Approval: N/A

Date of Most Recent Review: September 28, 2023

Summary of Major Changes incorporated in this revision to the policy: The primary update is to move Student ID number from “Directory” to “non-Directory” information. Other updates include formatting and minor procedural changes.

1. Policy

- A. A variety of records are created and maintained by the college for students as they progress from admission through graduation. Such records are the property of LC State and do not belong to the student.
- B. The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law which states:
 - i. that a written institutional policy must be established; and
 - ii. that a statement of adopted procedures covering the privacy rights of students be made available.

The law provides that the institution will maintain the confidentiality of student education records.

2. DEFINITIONS

- A. Education records: Records, in any media, that are directly related to a student and maintained by LC State or by a party acting for the institution.

Records NOT protected by FERPA include:

 - i. records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute
 - ii. records maintained by college security/law enforcement unit
 - iii. records of employment which relate exclusively to individuals in their capacity as employees (records of students employed by the college as a result of their status as students are education records, e.g., work-study)
 - iv. records created, or maintained by a physician, psychiatrist, or other recognized professional acting in his or her professional capacity (including counseling and health records)
- B. Student: Any individual who is enrolled in a LC State credit or non-credit course.

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3. DIRECTORY INFORMATION

LC State considers the following Directory Information and WILL release this information WITHOUT the written consent of the student.

- Student name
- Student ID number*
- Address listings
- Telephone listings
- Photograph
- E-mail address
- Dates of attendance
- Enrollment status (full-time or part-time)
- Class level (FR, SO, JR, SR, PB)
- High schools and other academic institutions attended
- Major/minor field of study
- Degree earned and date it was conferred
- Club and athletic participation records
- Height and weight of members of athletic teams
- Scholarships Awarded
- College Leadership Position
- Satisfactory academic standing / honor roll or other recognition lists

*Student ID number additional information

- Student ID may be shared but may not be used alone to gain access to education records.
- Students must present photo ID when interacting with faculty/staff in person to confirm their identity.
- Students will be asked a series of questions to verify their identity when corresponding over the phone and/or email.

4. NON-DIRECTORY INFORMATION

LC State considers the following non-Directory Information and therefore will NOT release this personally identifiable information without the student's written consent.

- Date of birth/age
- Social security number
- Class schedule/roster
- Unsatisfactory academic standing
- Grades

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- GPA (term and cumulative)
- Transcript
- Gender
- Credits (term and cumulative)

5. ACCESS TO NON-DIRECTORY INFORMATION

- A. Student consent must be obtained before disclosing non-directory information, with some exceptions. Any information not defined explicitly as directory information is considered non-directory information. FERPA permits disclosure of non-directory information without student consent in circumstances outlined below:
- School faculty and staff who have a need to know to fulfill their official responsibilities
 - Other schools to which a student is transferring
 - Accrediting organizations
 - Organizations doing certain studies for or on behalf of the college
 - Appropriate parties in connection with financial aid to a student
 - Records can be released to parents of an eligible student if the student is a dependent for IRS tax purposes (except for health or counseling records which will not be disclosed without student consent or as required by law)
 - Certain government officials in connection with local, state or federally-supported education programs
 - Individuals who have obtained court orders or subpoenas
 - Faculty and school officials who have a need to know concerning disciplinary action taken against a student
 - Persons who need to know in cases of health and safety emergencies when necessary to protect the health and safety of the student and/or others
 - State and local authorities to whom disclosure is required by state laws
- B. As of January 3, 2012, the U.S. Department of Education’s FERPA regulations expanded the circumstances under which education records and personally identifiable information (PII) contained in such records, including Social Security number, grades, or other private information, may be disclosed without student consent.
- i. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities (“Federal and State Authorities”) may be allowed to disclose student records and PII to a third-party designated by a Federal or State Authority to evaluate a federal or state supported education program. The evaluation may relate to any program that is “principally engaged in the provision of education,” such as early childhood education and job training, as well as any program that is administered by an education agency or institution.
 - ii. Second, federal and state authorities may be allowed access to education records and PII to provide researchers performing certain types of studies, with information; in certain cases,

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even when LC State objects to or does not request such research. Federal and state authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without consent, PII from student education records, and they may track a student's participation in education and other programs by linking such PII to other personal information about a student that they obtain from other federal or state data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

- iii. FERPA gives certain rights to parents regarding their children's educational records at the primary and secondary level. These rights transfer to the student upon reaching 18 years of age or attending any school beyond the secondary level.

6. STUDENTS' LIMIT TO RECORDS

Under FERPA a student does not have a right to access and review certain records including:

- A. financial information submitted by parents;
- B. confidential letters and recommendations placed in the student's file before 01/01/75;
- C. confidential letters, etc., associated with admissions, employment, job placement or honors to which a student has waived rights of inspection and review; and
- D. educational records containing information about other students such as grades, test scores, etc.

7. SOLOMON AMENDMENT – MILITARY RECRUITMENT

- A. The Solomon Amendment requires colleges and universities to release information regarding enrolled students to the military for recruitment purposes.
- B. Students may restrict disclosure to the military by restricting all disclosure of personal information.

8. DIRECTORY INFORMATION RESTRICTION REQUEST

- A. Students may submit a "Directory Information Restriction Request" form to the Registrar & Records Office to prevent directory or non-directory information from being released.
- B. Placing a full non-Disclosure hold on student records will cause any and all future requests for contact information from LC State persons, on non-essential matters, and from non-institutional persons and organizations, including scholarship organizations, prospective employers, and transcript request, etc., to be denied.
- C. The restriction will remain in place even after students have stopped attending or have graduated from LC State and will only be removed if rescinded in writing by the student.

9. STUDENT RIGHTS TO RECORDS

FERPA affords students certain rights with respect to their education records. These rights are:

- A. The right to inspect and review the student's education records within 45 days of the day the college receives a request for access.
 - i. Students should submit to the registrar, dean, division chair, or other appropriate official, written requests that identify the record(s) they wish to inspect.

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- ii. The college official will make arrangements for access and notify the student of the time and place where the records may be inspected.
 - iii. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- B. The right to request an amendment of a student's education record that the student believes is inaccurate or misleading.
 - i. Students should ask the college to amend a record that they believe is inaccurate or misleading.
 - ii. They should write the college official responsible for the record; clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.
 - iii. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment.
 - iv. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- C. The right to consent to disclosures of personally-identifiable non-Directory information contained in a student's education records, except for those disclosures permitted under FERPA.
 - i. FERPA permits disclosures of education records to school officials with legitimate educational interests.
 - ii. A school official is defined as:
 - a) a person employed by the college in an administrative, supervisory, academic, or support staff position (including law enforcement unit personnel and health staff);
 - b) a person or company with whom the college has contracted (such as an attorney, auditor, or collection agent); or
 - c) a person assisting another school official in performing his or her tasks.A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- D. The right to file a complaint with the Registrar & Records Office regarding any perceived FERPA violation.

Upon receipt of the complaint, the Registrar will work with the senior vice president / vice president for Student Affairs to investigate the complaint and take all necessary action to comply with the requirements of FERPA.
- E. The right to file a complaint with the U.S. Department of Education concerning any alleged failures by LC State to comply with the requirements of FERPA as set above.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4604

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10. STUDENT SCHEDULES

The Registrar & Records Office will not release class schedules or locations for any student.

- A. In the event that a student needs to be contacted, a message will be delivered to the student. However, this will only be done in emergency situations where the health and/or safety of an individual are of concern.
- B. It is the responsibility of all students to make their whereabouts available to parents, children, spouses or anyone else they deem appropriate.

11. COMMUNICATING WITH STUDENTS ABOUT THEIR RECORDS

- A. When talking to students about their records, LC State staff must make a reasonable attempt to verify that students are who they claim to be. This applies to in-person, phone, and e-mail exchanges.
 - i. In-person: Before divulging information about a student's record, staff must ask for photo ID from that student.
 - ii. Phone: Before divulging information about a student's record, staff must ask the student the following initial questions: student ID, date of birth and address. In addition to these initial questions, students will also be asked a series of questions to verify their identity.
 - iii. LCMail: Students will be asked the same initial questions as a phone call as well as a series of questions to verify their identity over LCMail.
 - iv. Other Email: No student information should be shared through personal, generic, or non-LCMail email addresses.
- B. The Registrar & Records Office is the primary contact for all student information inquiries.