

## FERPA Defined

The Family Educational Rights and Privacy Act of 1974, as amended (sometimes referred to as the Buckley Amendment), is a Federal law regarding the privacy of student records and the obligations of the institution, primarily in the areas of release of the records and the access provided to these records. FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Failure to comply with FERPA may as a result have funds administered by the Secretary of Education withheld.

FERPA gives parents certain rights with respect to their children's educational records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.



Class of 2009

## The Education Record

Education records are defined under FERPA as records that are directly related to a student and are maintained by an educational institution or by a party acting for the agency or institution. The records can be handwritten, print, magnetic tape, audiotape, film, diskette, electronic image, microfiche, or other format or medium. Generally, schools must have written permission from the eligible student in order to release any information from a student's educational record. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a student serving on an official committee, such as a disciplinary or grievance committee, or 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.

## Access to Student Education Records

Information that is personally identifiable in an educational record may not be released without prior written consent from the student and except to the extent that FERPA authorizes disclosure without consent as listed above. Some examples of information that cannot be released include citizenship, disciplinary status, grade point average, marital status, and social security or ID numbers. Personally identifiable information from a student record will not be released without written consent from the student. Parental access to a daughter's or son's educational record must come in a written authorization from the student before access to the record is allowed.

## Right to Review, Inspect, and Amend a Record

Under FERPA, students have the right to inspect and review their own educational records within 45 days of the day the College receives a request for access. Students should submit to the Registrar's Office written requests that identify the record(s) they wish to inspect. The College Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, the College Registrar shall advise the student of the correct official to whom the request should be addressed. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record; clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading. 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. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

## Directory Information

Certain categories of student information are considered "open" or Directory Information. Directory Information may be published in a student directory or event program and released to the media and to the public for enrolled students.

Leech Lake Tribal College has designated the following information as Directory Information and may release this information, unless the student has submitted a request for non-disclosure:

- student name
- local address and telephone

## Family Education Rights and Privacy Act (FERPA)

2009-10

\*Photos courtesy of LLTC Multimedia\*

- permanent address and telephone
- e-mail address
- place of birth
- major field of study
- dates of attendance
- full or part time enrollment status
- year in school (class)
- degree(s) received
- scholastic honors and awards received
- other educational institutions attended
- visual image

## Restricting Release of Directory Information

A student may request that directory information not be released by so indicating and completing the Request for Non-Disclosure and submitting it to the Registrar's Office. The form is available in the Registrar's Office.

If a student elects Confidentiality/Non-Disclosure, any inquiry to the College about the student will be responded with "we have no information on that individual." If a student elects Confidentiality/Non-Disclosure, it remains in effect until the student requests its removal or the student is deceased. If it is not removed prior to or at graduation time, the College will not be able to respond to prospective employers inquiries.



Sage Davis, Class of 2009

## Filing a Complaint

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Leech Lake Tribal College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

*Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington, D.C. 20202-5920*

## FERPA and its' Impact for Faculty

### Posting Grades

Public posting of grades by student name, social security number, LLTC student identification number, or any other identifiable means, without written consent from the student, violates FERPA law. Numeric student identifiers are considered personally identifiable information and are in violation of FERPA. Instructor assigned numbers or coding is allowed as long as the order of posting is not alphabetical.

## Returning Assignments

Graded papers, tests, and quizzes left in front of a faculty office door is no different than posting of grades if the graded materials are personally identifiable. This is a violation FERPA if the faculty member has not received written consent from each student to do so. Leaving the materials with an office assistant who asks for picture identification is a much more viable solution.

## Transmittal of Grades

Instructors can notify students through the U.S. mail of their final grades as long as the grades are delivered in a sealed envelope. Notification of grades via e-mail is allowed; however, confidentiality is not guaranteed when delivered in this mode.

## Access to Student Records

Faculty members are normally considered "school officials." Faculty members must demonstrate a "legitimate educational interest" when requesting to access students records by way of their advising function. Faculty does not have access to student academic records unless their normal job duties specifically require access; in particular when requesting access to student records for students whom they do not advise.

## Parents Requesting Information

Information cannot be given to parents in regard to their son's or daughter's progress in a course, graduation degree deficiencies, and grades obtained in tests, papers, etc. The protected information can only be provided if the student has provided written authorization on specific information that can be released.



Leech Lake Tribal College, A Wing

## Emergencies/Crises

Non-directory information in an emergency/crisis can be released if the institution determines that the information is needed "to protect the health or safety of the student or other individuals." The severity of the threat to the health or safety of those involved, the urgent need for the information, the information required to deal with the emergency, and the ability of the parties to whom the information is to be given to deal with the emergency are all factors to be taken into consideration by the institution prior to the release of the non-directory information.

## Letters of Recommendation

Written permission of the student is required for a letter of recommendation if any information included in the recommendation is information not considered "directory." (i.e. grades, GPA, etc.)