

LLTC FERPA Training

What is FERPA?

- Family Educational Rights and Privacy Act of 1974, as Amended (FERPA)
- FERPA is a Federal Law
- Also known as the Buckley Amendment
- Protects the privacy of a student's educational records
- Applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education

What is Directory or Public Information?

" . . . information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed."

- **Directory Information can NEVER include:**
- Social security number
- Student identification number
- Race
- Ethnicity
- Nationality
- Gender

Can directory information be released to anyone who requests it?

- **NO** - If the student has requested that directory information be withheld, no information can be released outside of LLTC except as provided by law. Or, to anyone within LLTC who does NOT have a legitimate educational interest.
- **YES** - If the student has **NOT** requested that directory information be withheld.

Leech Lake Tribal College Directory Information

- *Name*
 - *Address*
 - *Phone Number*
 - *Class Standing*
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- *Please note that class schedule and next-of-kin information are not directory information and cannot be released to anyone within the Leech Lake Tribal College that does not have a "legitimate educational interest" or to anyone outside of the College except as provided by law.*

What are education records?

- Any record (handwritten, printed, computer, microfilm, microfiche, email, audiotape, videotape, filmed or preserved in any other medium) of an institution that:
 - Contains information directly related to the student and
 - Is maintained by LLTC or its agent or party acting in its behalf.

Education records do *not* include:

- Records/notes kept in sole possession of maker not accessible or revealed to any other person except a temporary substitute
- Medical records
- Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment
- Records created and maintained by a campus police unit used only for law enforcement purposes.
- Information on a person that was obtained when no longer a student (i.e., alumni records) and does not relate to the person as a student

How can a student request that their information be withheld?

The student must request that information be withheld on or before the census date of each session or semester by completing a Request to Prevent Disclosure of Directory Information form to prevent release of directory information.

- The withhold directory flag will be put on the academic record whenever the student requests it during the semester; however, we cannot be responsible for any information released after the census date but prior to receipt of form in the Registrar's Office.
- The withhold directory flag remains in effect until the student requests in writing that it be removed.

What rights do parents have under FERPA?

- **FERPA gives certain rights to parents regarding their children's educational records.**
 - Rights transfer to the student:
 - Upon reaching 18 years of age or
 - Attending any school beyond the secondary level (High School).

- **When may a parent access a student's educational records?**
 - Law allows parental access if student is claimed as a dependent for Federal income tax purposes.
 - Access is granted to both the parent who claims the student as well as the parent who is not claiming the student.
 - Parent must complete Parental Request for Academic Information (available in the Registrar's Office or academic department) each time information is requested.

SPECIAL DON'TS FOR FACULTY

To avoid violating FERPA rules, do not do any of the following:

- Use a part of or the entire student identification number or Social Security number of a student in a public posting of grades
- Link the name of a student with that student's identification number or Social Security number in any public manner
- Leave graded tests in a stack for students to pick up by sorting through the papers of all students
- Circulate a printed class list with student name and student identification number, or Social Security number or grades, as an attendance roster
- Discuss the progress of a student with anyone other than the student (including parents) without the consent of the student
- Provide anyone with lists of students enrolled in your classes for any commercial purpose
- Provide anyone with student schedules or assist anyone other than college employees in finding a student on campus

How can a parent access student information if the student is not being claimed by either parent for Federal income tax purposes?

- Parent can have access only if the student is willing to release information.
 - Student must complete Student Consent for Release of Records (available in the Registrar's Office or academic department) each time information is to be released.
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- **A parent may access student information but may not act on the student's behalf except in emergency situations.**

When can information be released without student consent?

School employees who have a legitimate educational interest.

- Other schools, upon request, in which a student is seeking or intending to enroll, if disclosure is for purposes related to student's enrollment or transfer.
- Accrediting organizations to carry out their accrediting functions.
- Organizations doing certain studies for or on behalf of the College.
- Appropriate parties in connection with financial aid to a student to determine eligibility, LLTC or conditions of financial aid, or to enforce the terms and conditions of aid.
- Parents when:
 - The student is a dependent of the parent for tax purposes as evidenced by appropriate documentation, including the parent's most recent tax return or a student financial aid application.
 - A health or safety emergency necessitates disclosure to protect the health or safety of the student or another individual.
 - The student is under 21 years of age at the time of the disclosure and the student has violated a Federal, State or local law or any rule or LLTC policy governing the use or possession of alcohol or a controlled substance and LLTC has found the student in violation of the Code of Student's Rights, Responsibilities and Conduct.

What can happen if we fail to follow the law?

- Lawsuit
- Loss of Federal funding
- Conviction of a misdemeanor under the Public Information Act
 - Confinement in jail not to exceed 6 months
or
 - Fine not to exceed \$1,000
or
 - Both
- Dismissal