

An Overview of the Family Educational Rights and Privacy Act (FERPA)

University of North Florida
Office of the General Counsel

Scope of Presentation

- This is an overview of FERPA (also known as the “Buckley Amendment”) and its legal requirements. UNF’s Office of the Registrar should be the primary contact regarding FERPA issues. The Registrar’s Office can be reached at (904) 620-2621

2

FERPA Requirements

- Maintaining confidential student educational records in an appropriate manner
- Limiting access to student educational records to those with a “legitimate educational interest”.
- Annual notification to students via printed material and the web through the Office of the Registrar.

3

Are You Bound by FERPA?

- Short answer – YES. All UNF personnel have an obligation and a responsibility to protect the confidentiality of student educational records.
- Even if you have “legitimate educational interest” to access a student’s records, you are not authorized to share that information with a third party without the student’s written permission.

4

A “Legitimate Educational Interest” in Student Educational Records

Who *has* a legitimate interest?

- A school official that has a need to review the educational record to fulfill his/her job duties.

Who *does not* have a legitimate interest?

- Parents, spouses, siblings, girlfriends, boyfriends, roommates, etc.

5

What “Educational Records” Must Be Kept Confidential?

- Any “personally identifiable” information that would make a student’s identity easily traceable including:
 - Social Security Number
 - Grades and GPA
 - Class schedules
 - Transcripts

6

What Educational Information May Be Released to the Public?

Directory information

- FERPA defines “Directory information”
- Directory information is not considered to violate a student’s privacy.
- **NOTE:** Requests for Directory Information should be referred to the Registrar’s Office.

7

Directory Information is:

Information which UNF will make available to the public unless a student has specifically requested its restriction by completing a Non-Disclosure Request.

- The student’s name
- Telephone numbers
- Addresses
- Classification
- Majors
- Degrees
- Dates of attendance
- Full-time or part-time status

8

Students May “Opt Out” of Disclosure of Their Directory Information

- Students may opt out of having all or part of their Directory Information disclosed without their express permission by completing a Non-Disclosure Request.
- The Non-Disclosure Request form is available online and in the Registrar’s Office.

NOTE – Another reason to refer directory requests to the Registrar’s Office.

9

When Does FERPA Not Apply to Student Records?

- When the record is not an educational record. Examples include: medical records, employment records, counseling records, police reports, etc. However, these records may be covered by other privacy laws and may be maintained by other UNF areas.
- When the student is deceased – UNF continues to respect the rights of the student. These situations are handled on a case by case basis.

10

Students May Review all Their Educational Records EXCEPT:

- The portions of their educational records mentioning other students.
- The financial records of their parents.
- Letters of recommendation (where they waive access).

11

Prior Consent of the Student Is Not Required When Disclosing Records to:

- A UNF school official for an “educational interest”
- Another institution where the student is seeking to be enrolled
- To a necessary party for health or safety emergency
- A requestor of “Directory Information” and the student has not restricted access to this information

(Continued on next slide.)

12

Additional Examples of When Prior Consent is Not Required

- The DOE or state/local educational authorities (to meet legal requirements).
- Parents of dependent students (as defined by IRS). UNF, through the Registrar, will generally notify students of any records we have made available to parents.
- An attorney or court to comply with a judicial order or lawfully issued subpoena.

NOTE – You will want to refer these types of requests to the Registrar’s Office or Office of the General Counsel.

13

When Releasing Student Educational Records:

- When releasing records containing confidential student information to anyone other than a “school official”, in response to a public records request or otherwise, you must redact (“mark through” or “white out”) the educational material of confidential student identifiable information before releasing the requested records.

(Continued on next slide.)

14

Final FERPA Thoughts

- Always be very careful to protect the confidentiality of student information.
- When in doubt about your responsibilities, call the Registrar’s Office at 620-2621 or 620-2622 or the Office of the General Counsel at 620-2828.

15

More Legal Questions Regarding FERPA?

Contact UNF’s Office of the General Counsel:

4567 St. Johns Bluff Road South
Building 1, Room 2400
Jacksonville, Florida 32224
904-620-2828

Karen J. Stone, General Counsel, kstone@unf.edu

Marc Snow, Associate G.C., msnow@unf.edu

Chris Wrenn, Associate G.C., cwrenn@unf.edu

16