

By Scott Lowe

The Family Educational Rights and Privacy Act (FERPA) was enacted in 1974 to protect student education records and pertains to any school, either K-12 or higher education, public, or private, that receives funds under any program from the U.S. Department of Education.

Since most schools in the United States fall into this category, if you work in this environment, you should be aware of how FERPA's provisions that might impact you.

- 1 FERPA covers both private and public schools, colleges and universities** – While, on the surface, it might not seem like a private school would fall under FERPA, consider this: most colleges, whether public or private, accept federally-backed student loans and grants, such as Pell grants. As such, even private colleges fall under the FERPA umbrella.
- 2 FERPA was crafted before education's move into the Information Age** – FERPA became law in August of 1974, before many institutions had sophisticated computer networks. This means that FERPA provisions often require interpretation to be appropriately applied. As such, the Family Policy Compliance Office (FPCO), the office within the U.S. Department of Education that oversees FERPA, often receives questions from schools that ask for clarification, or ask for a ruling on a particular issue. If you have questions, use Google to see if someone has already answered it, or visit <http://www.ed.gov>.
- 3 Use “Directory Information” carefully** – FERPA established a class of information called “Directory Information”—information about a student that can be shared without that student’s consent. According to regulations, directory information includes information “contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed and includes a student’s name, address, telephone listing, email address, and other types of information about the student.” Such directory information could include the student’s name, e-mail address, telephone number, and other, non-sensitive information about a student—information that is commonly made available in a student directory. Information such as a Social Security number would not fall under this definition.
- 4 Student network use records may be covered under FERPA** – Schools that record information about a student’s network use, including Web sites visited, contents of e-mail messages, and more, may be required to protect that data as stringently as other personal information, assuming that the information in question could personally identify a particular student. If stored on institutional servers, this information could be considered part of a student’s educational record.
- 5 Make sure that “hold” requests are honored at all times** – Although FERPA allows the release of directory information, schools must make provisions for students who do not wish to share their information. If you have processes that automatically generate directories, or make some directory information public, you must use flags and/or logic that omits students who have opted to place a hold on their directory information.
- 6 The "last four" won't cut it** – You’ve probably worked with a bank, or some other entity, that asks you to provide the last four digits of your social security number as a way for you to verify your identity. If you work in education, this practice won’t cut it, particularly if you post information that includes these four digits. The Department of Education considers any part of the social security number to be personally identifiable information and, thus, it cannot be shared publicly <http://www.ed.gov/policy/gen/guid/fpc/doc/hunter.doc>. Of course, by now, most schools have either moved away from, or are in the process of moving away from, any regular use of a student’s social security number.

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Maintain appropriate access rights – FERPA calls for strict adherence to a student's educational record, and requires, with few exceptions, that only those with a need to access information should access that data. As such, information technology staff in educational environments need to closely monitor account permissions. Access to the student information system, file shares, course management systems, and even student work, including papers and exams, must be carefully monitored and controlled lest the information fall into improper hands.

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How can parents pay a student's bill if the student's account information is protected? – This is a classic chicken-and-egg dilemma. Parents are often responsible for paying a student's bills but FERPA indicates that personal information, including billing records, are the rights of the student. This generally isn't a problem except for elementary, middle, or high school students, but does raise important issues for college and university students.

Many colleges and universities have incoming freshmen complete a standard form that grants their parents rights to some or all of their education record, including bills. For colleges that use an outsourced service, such as CashNet, for online tuition bill payments, many of these companies have built in the capability for a student to be able to provide a parent or guardian with a PIN number that grants that person access to the student's account. The key part here is that the student must initiate the creation and sending of this PIN in order to stay in compliance with FERPA.

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FERPA has been around a long time – Why all of the discussion now? FERPA was created in 1974, long before students were coming to campus with computers, iPods, Blackberries, and so forth. FERPA was enacted long before the digital age, but as technology now permeates education, learning institutions must adequately create, monitor, and enforce adequate privacy policies. Scandals that have occurred outside education and resulted in legislation such as HIPPA, Sarbanes-Oxley, and Gramm-Leach-Bliley, have refocused people's attention on privacy issues and put organizations and institutions on notice.


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Real questions require a lawyer – You already know this, but it's worth repeating. If you have a question, the answer to which means the difference between your school being sued or staying out of court, you need to ask a lawyer, even if you do your own research. "But I read on the Internet that this was legal" won't likely be a suitable defense if you fail to follow FERPA guidelines.



Scott Lowe has held a variety of jobs in the information technology field. Although he has been involved primarily in IT management and network/systems engineering, he has also served as a DBA, help desk technician, and several other job roles. He is currently the IT Director for Elmira College, a small private college located in Elmira, NY.

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Version history

Version: 1.0

Published: July 29, 2005

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