



FERPA

AN OVERVIEW FOR PARENTS

WHAT IS FERPA?

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) OF 1974 IS A FEDERAL LAW THAT WAS ENACTED TO GUARANTEE THE RIGHTS OF STUDENTS TO CONTROL ACCESS TO THEIR EDUCATIONAL RECORDS. ALL EDUCATIONAL INSTITUTIONS THAT RECEIVE FEDERAL FUNDS MUST COMPLY WITH FERPA.

WHEN DO FERPA RIGHTS BEGIN?

A FERPA-RELATED COLLEGE EDUCATION RECORD BEGIN FOR A STUDENT WHEN HE OR SHE ENROLLS IN A HIGHER EDUCATION INSTITUTION. ***AT A POSTSECONDARY EDUCATION, RIGHTS BELONG TO THE STUDENT IN ATTENDANCE, REGARDLESS OF THE STUDENT'S AGE.**

**FERPA ALLOWS PARENTS OF K-12 STUDENTS TO HAVE RIGHTS TO THEIR CHILDREN'S EDUCATION RECORDS. THESE RIGHTS TRANSFER TO THE STUDENT WHEN THEY TURN 18 OR ATTENDS A POSTSECONDARY SCHOOL (ANY EDUCATION BEYOND HIGH SCHOOL).*

WHAT FERPA RIGHTS ARE GIVEN TO STUDENTS?

- THE RIGHT TO INSPECT
 - THE RIGHT TO INSPECT AND REVIEW THE STUDENT'S EDUCATION RECORDS WITHIN 45 DAYS OF THE DAY THE UNIVERSITY RECEIVED A REQUEST FOR ACCESS
- THE RIGHT TO REQUEST TO AMEND
 - THE RIGHT TO REQUEST AMENDMENT OF THE STUDENT'S EDUCATION RECORDS THAT THE STUDENT BELIEVES ARE INACCURATE, MISLEADING, OR IN VIOLATION OF PRIVACY RIGHTS
- THE RIGHT TO CONSENT OR LIMIT DISCLOSURE
 - THE RIGHT TO CONSENT DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION CONTAINED IN THE STUDENT'S EDUCATION RECORDS, EXCEPT TO THE EXTENT THAT FERPA AUTHORIZES WITHOUT CONSENT. ONE EXCEPTION THAT PERMITS DISCLOSURE WITHOUT CONSENT IS DISCLOSURE TO SCHOOL OFFICIALS WITH LEGITIMATE EDUCATIONAL INTERESTS
- THE RIGHT TO FILE A COMPLAINT
 - THE RIGHT TO FILE A COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION CONCERNING ALLEGED FAILURES BY THE UNIVERSITY TO COMPLY WITH THE REQUIREMENTS OF FERPA

WHAT INFORMATION CAN PARENTS AND FAMILIES ACCESS?

❑ IT IS IMPORTANT TO NOTE THAT FERPA REGULATIONS APPLY, EVEN IF A PARENT OR SPOUSE IS PAYING THE BILLS

- PARENTS AND FAMILY MEMBERS WHO WANT TO KNOW ABOUT THEIR COLLEGE STUDENT'S (OR SPOUSE'S) ACADEMIC PROGRESS ARE ENCOURAGED TO DISCUSS MUTUAL EXPECTATIONS IN SHARING INFORMATION
- COLLEGES/UNIVERSITIES CAN ONLY SPEAK WITH PARENTS OR A DESIGNATED FAMILY MEMBER REGARDING EDUCATIONAL RECORDS IF THE *STUDENT HAS PROVIDED A SIGNED AND DATED WRITTEN CONSENT*
 - THE STUDENT MUST SPECIFY WHICH RECORDS CAN BE DISCLOSED; THE PURPOSE FOR THE DISCLOSURE; AND IDENTIFY WHO MAY SEE THE RECORDS
- PARENTS/FAMILY MEMBER CAN WORK WITH THEIR STUDENT TO GAIN PERMISSION TO ACCESS CERTAIN INFORMATION BY AUTHORIZING THEM THROUGH THEIR MyNevadaState PRIVACY SETTINGS
- THROUGH A FORMAL REQUEST, PARENTS CAN REQUEST ACCESS TO EDUCATION RECORDS IF THE STUDENT IS A DEPENDENT, WHILE STUDENTS ARE STILL CLAIMED BY THEIR PARENTS ON TAXES AND UNTIL STUDENTS ARE 24 YEARS OLD

WHEN IS PRIOR CONSENT NOT REQUIRED?

THE UNIVERSITY MAY RELEASE RECORDS WITHOUT CONSENT FROM THE STUDENT IF CERTAIN REQUIREMENTS ARE MET, BUT IS NOT REQUIRED TO DO SO. SOME EXAMPLES OF THE EXCEPTIONS TO THE RELEASE REQUIREMENT INCLUDE:

- “SCHOOL OFFICIALS” WITH A “LEGITIMATE EDUCATIONAL INTEREST.” EMPLOYEES AND LEGAL AGENTS HAVE ACCESS TO EDUCATION RECORDS IN ORDER TO PERFORM THEIR OFFICIAL, EDUCATIONALLY-RELATED DUTIES
- DISCLOSURE TO ANOTHER INSTITUTION WHERE THE STUDENT SEEKS TO ENROLL OR IS ENROLLED
- DISCLOSURE TO ORGANIZATIONS CONDUCTING STUDIES TO IMPROVE INSTRUCTION, OR TO ACCREDITING ORGANIZATIONS
- *DISCLOSURE TO PARENTS OF DEPENDENT STUDENTS (IRS DEFINITION) – CHECK TO SEE HOW YOUR INSTITUTION EXPECTS PARENTS TO SHOW IRS DEPENDENT STATUS*
- TO COMPLY WITH A JUDICIAL ORDER OR LAWFULLY ISSUED SUBPOENA
- IN RESPONSE TO A HEALTH/SAFETY EMERGENCY
- TO AN INDIVIDUAL/ENTITY REQUESTING ONLY DIRECTORY INFORMATION, PROVIDED THE STUDENT HAS NOT REQUESTED “NO RELEASE”

KEY TERMS/DEFINITIONS

EDUCATION RECORDS - INCLUDE ANY RECORD MAINTAINED BY THE INSTITUTION THAT CONTAINS INFORMATION THAT IS PERSONALLY IDENTIFIABLE TO A STUDENT (IN WHATEVER FORMAT OR MEDIUM) WITH SOME NARROWLY DEFINED EXCEPTIONS”:

- RECORDS IN THE “SOLE POSSESSION OF THE MAKER” (E.G., PRIVATE ADVISING NOTES)
- LAW ENFORCEMENT RECORDS CREATED AND MAINTAINED BY A LAW ENFORCEMENT AGENCY FOR A LAW ENFORCEMENT PURPOSE
- EMPLOYMENT RECORDS (UNLESS THE EMPLOYMENT IS BASED ON STUDENT STATUS). THE EMPLOYMENT RECORDS OF STUDENT EMPLOYEES (E.G. WORK-STUDY, WAGES, GRADUATE TEACHING ASSOCIATES) ARE PART OF THEIR EDUCATION RECORDS
- MEDICAL/PSYCHOLOGICAL TREATMENT RECORDS (E.G., FROM A HEALTH OR COUNSELING CENTER)
- ALUMNI RECORDS (I.E., THOSE CREATED AFTER THE STUDENT GRADUATED OR LEFT THE INSTITUTION)

DIRECTORY INFORMATION – THOSE DATA ITEMS THAT ARE GENERALLY NOT CONSIDERED HARMFUL OR AN INVASION OF PRIVACY IF PUBLICLY AVAILABLE. CANNOT BE RELEASED IF STUDENT HAS A “NO RELEASE” INDICATOR ON THEIR RECORD

AT NEVADA STATE UNIVERSITY, DIRECTORY INFORMATION INCLUDES:

- STUDENT NAME
- ADDRESS
- TELEPHONE NUMBERS
- EMAIL ADDRESS
- MAJOR FIELD OF STUDY
- COLLEGE/SCHOOL
- DATES OF ATTENDANCE
- DATE OF GRADUATION
- UNDERGRADUATE AND GRADUATE STATUS
- ENROLLMENT STATUS (FULL-TIME; PART-TIME)
- DEGREES, HONORS, AND AWARDS RECEIVED
- LISTINGS OF THE MOST RECENT EDUCATIONAL AGENCY OR INSTITUTION THAT STUDENTS HAVE ATTENDED
- PHOTOGRAPHS FOR UNIVERSITY USE
- STUDENT PARTICIPATION IN OFFICIALLY RECOGNIZED ACTIVITIES AND SPORTS
- WEIGHT AND HEIGHT OF MEMBERS OF ATHLETIC TEAMS