


FERPA: A Preceptor's Training Guide

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FERPA

Family
Educational
Rights &
Privacy
Act of 1974



Goal: Protect Integrity of a Student's Academic Record & Protect Student's Privacy

This course will focus on familiarizing preceptors with the basic provisions of FERPA with respect to protecting student privacy and the security of education records. This training is not intended to be a substitute for legal advice.



WHAT WE WILL COVER?



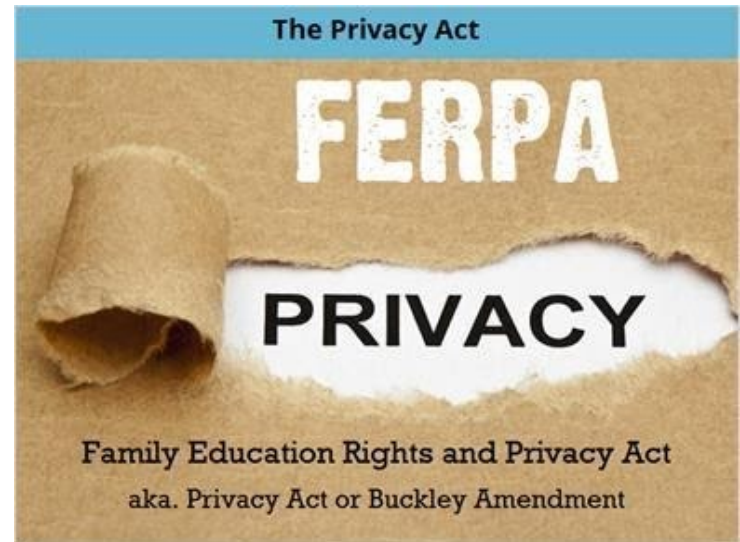
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What is FERPA?

FERPA is the Family Educational Rights and Privacy Act (also referred to as the Buckley Amendment).

FERPA is a federal law that protects the privacy of students' education records. Educational institutions and agencies that receive funds under a program administered by the U.S. Department of Education (DOE) must comply with FERPA.

FERPA applies to virtually every postsecondary institution in the United States.



What does FERPA do?

FERPA was designed to protect both the privacy and security of *certain kinds of educational records*. It gives students, former students, auditing students, and others, certain privacy rights with respect to personally identifiable educational records.

- right to consent to disclosure
- right to inspect
- right to amend (and hearing)



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What is an education record?

FERPA defines “education record” broadly to mean records containing information directly related to a student that **are maintained** by an educational agency or institution (or by a party acting for the agency or institution, which includes clinical and externship sites). Education records may be in any form — handwritten, printed, saved on computer media, video, audio tape, film, microfilm, or microfiche.

Notes:

Even if the record doesn't contain the student's name, if it contains information from which the student's name or identity can be determined, like a social security number, a publicly available student ID number, or other identification information, it may be an Education Record because it is personally identifiable.

The image shows a woman in a black blazer pointing to a 'STUDENT RECORD' form. The form is titled 'STUDENT RECORD' and has several sections. A large red arrow points from the right side of the form towards the contact information section. The form is annotated with yellow numbered callouts: 1 points to the Student Name field, 2 points to the Home, Cell, Email, and Twitter fields, 3 points to the Twitter field, 4 points to the Attendance table, and 5 points to the Attendance table header. The form contains the following information:

STUDENT RECORD							
Student Name	[REDACTED]						
Tuition Rate	\$000000/year						
Home	15551555-5555						
Cell	15551555-5555						
Email	jonesu@slu.edu						
Twitter	@jonesu						
Date	Tuition	Attendance					Yield
Aug 27	\$000000	Sept 4	11	12	25	-	Yield
Oct 26	\$000000	Nov 2	10	16	22	20	

Any descriptive information that can lead someone to identify who the record is about might make the record an Education Record.



BE CAREFUL WHAT YOU WRITE IN EMAILS!

Education records include such items as documents, files and other materials. These records may come on the form of film, disks, tapes, printed hardcopy or handwritten materials. (34 CFR § 99.3).

This includes emails preceptors write about a student. If you can identify the student, this email may becomes part of the identified student's education record.

FERPA protected education records contain information which is directly related to students or information from which a student's identity can be determined.

BOTTOM LINE



sole possession records

Students' medical and psychological treatment records

Records that are created and solely maintained by a law enforcement, for a law enforcement purpose;

Records that a school creates or receives after a student is no longer enrolled that are not directly related to his/her past attendance as a student

Records relating to an individual employed by an educational agency or institution and that relate exclusively to the individual in his or her capacity as an employee

Not Education Records



BUT....

If a student's employment is contingent upon the status of being a student of the college, such as Federal Work Study or as a teaching assistant for example, these employment records are part of the student's education record.

Records related to a student's clinical or internship placement are FERPA protected because they deal with a student's education.



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Directory Information=public information

MCCCD has defined the following as directory information:

Name, address, phone number, email address, photograph/electronic images, place of birth, major fields of study, current enrollment status participation in officially recognized activities, dates of attendance (meaning semesters attended), degrees, awards and academic honors received, Dean's List selection, previous institutions attended, program and promotional materials on participants in various sports and similar public activities, including weights and heights of athletic team members



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What does all of this mean to you?

1. Reports, records, and some emails generated as a result of a student participating in clinicals/internships enjoy FERPA protection.
2. Do not share such records or information about a student with site employees outside of those who would have an educational “need to know” about the matter. This will **ALWAYS** include the program director.
3. There must always be a legitimate educational interest in sharing the information.



MCCCD will disclose (even without the student's written consent) under FERPA exceptions to school officials with a legitimate educational interest



A school official is a person employed by the college in an administrative, supervisory, academic, research, or support staff position

A school official also may include a volunteer or contractor outside of MCCCD who performs an institutional service or function for which MCCCD would otherwise use its own employees.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill her or her professional responsibilities for the college

What do you do?

You observe a student engaging in inappropriate conduct while at their clinical site/internship. You immediately compose an email and send it to your college contact. You also send a copy of the email to the clinical site/internship Human Resources Department. You fill out a behavior notification form and provide it to the student. Have you violated FERPA?



What do you do?

A student comes to you and says he has the right to inspect his FERPA records and demands copies of any and all emails you have sent about him. Instead of printing the emails out, you direct the student to the college's Registrar to fill out a request to inspect their education record.

Have you violated FERPA?

all of your emails may not be part of the educational record



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WHAT
QUESTIONS
DO YOU HAVE
FOR ME?



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