Family Educational Rights and Privacy Act (FERPA)

FERPA for Faculty

What is FERPA?

Maintaining confidentiality of student educational records is everyone’s responsibility whether you are faculty, staff or student.

Annually, Long Beach City College informs students of the Family Educational Rights and Privacy Act of 1974, as amended. This Act (formerly known as the Buckley Amendment), which the institution intends to comply with fully, has been designated to protect the privacy of educational records. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records.

The following is considered "Directory Information" at Long Beach City College. Any part of the list may be made available to the general public unless the student notifies the Enrollment Services in person or in writing that this information should be kept confidential:

Student Name
Current enrollment status
Dates of attendance
Major field of study
Degrees and awards received
Participation in officially recognized activities and sports
Height and weight of members of athletic teams
Most recent public or private school attended by the student

More information regarding LBCC’s FERPA regulations can be found on the LBCC website and in the college catalog.
**What is an Educational Record?**

**Educational Records** contains information that is directly related to a student; and are maintained by an educational agency or institution or by a party acting on behalf of the agency or institution.

**Posting of Grades** The public posting of grades either by the student's name or the student identification number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class website and applies to any public posting of grades for students taking distance education courses.

Instructors and others who post grades should use a system that ensures FERPA requirements are met. This can be accomplished either by obtaining the student’s written permission or by using code words or randomly assigned numbers that only the instructor and individual student should know.

Notification of grades via a postcard violates a student's privacy rights.

Notification of grades via e-mail is not recommended. There is minimal guarantee of confidentiality on e-mail. The institution would be held responsible if an unauthorized third party gained access, in any manner, to a student's educational record through any electronic transmission method.

LBCC’s secure *Viking Student System Login*, grants students access to view their academic record. A student is assigned a unique student ID number when they apply to LBCC, and the student must create a self-assigned password, which is a second level of security, to view these records.

**Student Confidential Records**

Long Beach City College employees cannot release any confidential information regarding students to anyone, at any time, without written consent from the student. The only exception is if the person who is receiving the information is an official of the college and has a legitimate educational interest.

All records pertaining to grades, Student ID numbers, tests, directory information, etc. cannot be released by an Instructional Aide to anyone at any time. The Instructional Aide must refer any requests to the supervisor.
Legitimate Educational Interest

A School official has a legitimate educational interest if he/she is:

- performing a task in order to fulfill his or her professional responsibility;
- performing a task related to a student’s education;
- performing a task related to the disciplinary action involving a student.

What is NOT “legitimate educational interest”? Legitimate educational interest does not convey inherent rights to any and all student information. The law discriminates between educational interest, and personal or private interest; determinations are made on a case-by-case basis. Educational interest does not constitute authority to disclose information to a third party without the student’s written permission. If you have a question regarding accessing student information, please contact Lillian Justice, Director of Enrollment Services at ljustice@lbcc.edu to determine if the request is a legitimate educational interest.

All records pertaining to grades, Student ID numbers, tests, directory information, etc. cannot be released by an Instructional Aide to anyone at any time. The Instructional Aide must refer any requests to his/her supervisor.

Letters of Recommendation

Statements made by a faculty’s personal observation or knowledge of a student do not require a written release from the student. However, if personally identifiable information obtained from a student’s educational record is included in the letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made.

If this letter is kept on file by the person writing the recommendation, it would be part of the student’s education record and the student has the right to read it unless he or she has waived that right to access.

Sample letter of recommendation -

I give permission to Prof. Smith to write a letter of recommendation to:
Prof Smith has my permission to include my GPA and grades.

I waive (or do not waive) my right to review a copy of this letter at any time in the future.

Signature/Date

Sharing Student Data with Parents

When a student turns 18 years old or enters a postsecondary institution at any age, rights under FERPA transfer from the student’s parents to the student. Although the law does say that the parents’ rights afforded by FERPA transfer to the student, FERPA clearly provides ways in which an institution can share education records of the student with his/her parents.

Under FERPA, schools may release any and all information to parents, without the consent of the student, if the student is a dependent for tax purposes under the IRS rules. The institution may also release student information to parents during a health/safety emergency: a situation involving alcohol or controlled substance possession: a law enforcement incident; or, if only involving information based upon personal knowledge or observation.

Although FERPA allows for sharing of data with parents under certain conditions, it is often very difficult to discern when it is acceptable and when it is not acceptable for this type of disclosure. If you are uncertain please do not share student information and contact Lillian Justice (ljustice@lbcc.edu)

Special "DON'TS"

To avoid violations of FERPA rules, **DO NOT:**

- at any time use the Social Security Number or Student ID number of a student in a public posting of grades

- ever link the name of a student with that student's social security number or Student ID 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 ID number or grades as an attendance roster

● discuss the progress of any student with anyone other than the student (including parents) without the consent of the student

● provide anyone with lists of students enrolled in classes for any purpose

● provide anyone with student schedules or assist anyone other than college employees in finding a student on campus

**Penalties for Violating FERPA Regulations**

The Family Policy Compliance Office (FPCO) reviews and investigates complaints of violations of FERPA. If the FPCO finds that there has been a failure to comply with FERPA, it will notify the institution about the corrections that need to be made to bring the institution into compliance. The FPCO will establish a reasonable period of time for the institution to voluntarily accomplish the specified changes.

If the Secretary of Education finds, after this reasonable period of time, an institution has failed to comply with FERPA and determines that compliance cannot be secured by any means, the Secretary can, among other options direct that no federal funds under their administrative control (financial aid, education grants, etc.) be made available to the institution.

**Please always remember- you do not have to speak with parents (see section regarding parents), even when the student is underage. FERPA protects that student’s records even from their parents when they attend college.**

Finally, if you are questioning if you think it is illegal to release this information, do not release the information.

If you still have questions please do not hesitate in contacting me at ljustice@lbcc.edu