

# EDUCATIONAL RECORDS AND FERPA

## Policy AP 728: Student Records and Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA) (<https://studentprivacy.ed.gov/resources/family-educational-rights-and-privacy-act-regulations-ferpa/>), as amended, is a federal law (20 U.S.C. 1232g) that protects the privacy of a student's educational record. FERPA applies to all educational institutions receiving funds from the United States Department of Education.

The Registrar is the custodian of student records and is responsible for the administration of compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA).

FERPA applies to the release of student education records and affords students certain rights regarding those records. The law also requires institutions to advise students of their rights concerning education records and of certain categories of public information that the College has designated as 'directory information.' The essence of FERPA is that college students must be permitted to inspect their own educational records. School officials may not disclose personally identifiable information about students nor permit inspection of their records without the student's written permission with some expectations.

### Definition of Student

A student is any individual who attends or has attended the College. 'In attendance' means a student who is or has been enrolled in a class. This term does not apply to an individual who never attended the College.

### Definition of Educational Records

1. 'Educational Records' means any record (in handwriting, print, tapes, film, computer or other medium) maintained by Moraine Park Technical College that is directly related to a student or students. This record can contain a student's name or students' names, or information from which an individual student, or students, can be personally (individually) identified. "Personally identified" means data or information that includes:
  - a. The name of the student, the student's parents or other family members
  - b. The student's campus or home address
  - c. A personal identifier, i.e., social security number or student number
  - d. A list of personal characteristics or other information that would make the student's identity easily traceable
2. An educational record is not:
  - a. 'Sole possession notes' are personal notes and are made by one person as an individual observation or recollection. These notes are not shared or viewed with another person or group.
  - b. Employment records.
  - c. Medical and counseling records used solely for treatment.
  - d. Financial records of parents.

- e. Confidential letters and statements of recommendations placed in records prior to January 1, 1975.
- f. Confidential letters and statements of recommendations for admission, employment, or honorary recognition placed in records after January 1, 1975, for which students have waived the right to inspect and review.
- g. Records that contain only information about a person after that person is no longer a student at this institution (e.g., information gathered in follow-up surveys or for alumni and foundation purposes).

### Legitimate Educational Interest

For purposes of educational records 'legitimate educational interest' shall mean an educationally related purpose that has a directly identifiable educational relationship to the student involved and underlies the request. The following criteria shall be taken in account in determining the legitimacy of a College official's access to student records:

- The official must seek the information within the context of the responsibilities that he or she has been assigned.
- The information sought must be used within the context of official College business and not for purposes extraneous to the official's area of responsibility or to the College.
- The information requested must be relevant and necessary to the accomplishment of some task or to making some determination within the scope of College employment.
- The task must be determined to be consistent with the purposes for which the data are maintained. Requests related to institutional research and studies are subject to this criterion.

Disclosure to a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share or disclose any or all information received to a third party. An unauthorized disclosure of personally identifiable information from the education record of the student is prohibited