

Family Education Rights and Privacy Act (FERPA)

Informational Guidelines for Las Positas College

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, protects the privacy of student records. The Act provides for the right to inspect and review education records, the right to seek to amend those records, and to limit disclosure of information from the records. The Act applies to all institutions that are the recipient of federal funding.

Who is protected under FERPA?

Students who are currently enrolled in higher education institutions or formerly enrolled, regardless of their age or status in regard to parental dependency. Students who have applied but have not attended an institution do not have rights under FERPA.

Students and Parent Rights Relating to Educational Records

Students have a right to know about the purposes, content and location kept as part of their educational records. They have a right to gain access to and challenge the content of their educational records. They have a right to expect that information in their educational records will be kept confidential, disclosed only with their permission or under provisions of the law. Students have a right to permit or prevent disclosure of certain information in their educational records. Parents have the right to expect confidentiality of certain information about them in student records.

Educational Records

Student educational records are specifically defined as records, files, documents and other materials that contain information directly relate to a student and maintained by the college or someone acting for the college according to policy.

What is not included in an educational record?

- Sole-possession records or private notes held by educational personnel which are not accessible or released to other personnel
- Law enforcement or campus security records which are solely for law enforcement purposes
- Records relating to an individual's employment by the institution (unless employment is contingent on student status)
- Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment
- Records of an institution which contain only information about an individual obtained after that person is no longer a student at that institution (i.e., alumni records)

Who would generally be permitted access without the student's written consent?

- School officials who have "legitimate educational interests" as defined in the college's annual FERPA notification
- Parents of a "dependent student" as defined by the Internal Revenue code
- The issuer of a judicial order or subpoena which allows the institution to release records without the student's consent, however, a "reasonable effort" must be generally be made to notify the student before complying with the order.

When do you need consent to disclose personally identifiable information from an education record (including transcripts)?

With specific exceptions (listed above), a signed and dated consent by the student must be provided by the student before any disclosure is made.

The written consent must:

- Specify the records that may be disclosed
- State the purpose of disclosure
- Identify the party or class of parties to whom the disclosure may be made

These general guidelines are not intended to be legal advice. This document provides only a summary of FERPA. For further information regarding FERPA, you may contact either the Vice President of Student Services at 424-1405 or the Dean of Enrollment Services at 424-1542.