
FERPA - BASICS

Prepared for:
New Mexico Highlands University
August 13, 2020
Presenter: Henrietta Romero

WHAT IS FERPA?



- Is the Family Educational Rights and Privacy Act of 1974 also known as the Buckley Amendment
- Applies to all educational institutions whose funds are made available from the Secretary of Education
- Administered by the USDOE Family Policy Compliance Office

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>

WHO DOES FERPA APPLY TO?

- Institutions receiving federal funding administered under the Secretary of Education.
- Those who create and maintain educational records.
- Those who utilize educational records in performing their jobs.
- Those who disclose information from educational records.
- Those who are custodians of educational records.

MOST IMPORTANTLY YOU

BASIC DEFINITIONS UNDER FERPA

Eligible Student

Attendance

Legitimate
Educational
Interest

School Official

Education
Record

Eligible
Parent/Guardian

STUDENTS PRIMARY RIGHTS UNDER FERPA


The right to inspect and review education records.



The right to have some control over the disclosure of information from education records.



The right to seek an amendment of education records.



The right to file a complaint with the Family Policy Compliance Office

**New Mexico Highlands University
Student Educational Records-Access and Privacy**

Notice to Students:

Under the Family Rights and Privacy Act of 1974 (FERPA) New Mexico Highlands University students have the following rights in regards to their educational records:

1. The right to inspect and review their education records within a reasonable time, not to exceed 45 working days, upon making an official written request and obtaining an appointment to do so.

2. The student may challenge inaccurate or misleading information contained in their educational records. Challenges must be made in writing and forwarded to the Office of the Registrar.

3. The right to consent to disclosure of personally identifiable information contained in the student's education record, except to the extent that FERPA authorizes exceptions without consent. Exception include school official's with a legitimate educational interest, compliance with a judicial order or lawfully issued subpoena, officials for audit or evaluation purposes, in an emergency involving the health or safety of a student or other person and directory information.

4. The right to file a complaint with the U.S. Department of Education Family Compliance Office concerning alleged failures by the University to comply with the requirements of FERPA.

**Complaints may be forwarded to:
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202-4605**

Directory information at New Mexico Highlands University is the students' name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, the most recent educational agency or institution attended and graduation lists. Directory information may be published or released unless the student has requested in writing that directory information be withheld and forwarded to the Registrar's Office by the last day of registration and will be maintained for the remainder of the academic year.



DIRECTORY INFORMATION DEFINED

- The following can be considered directory information
 - Students' name
 - Address
 - Telephone number
 - Place and Date of Birth
 - Dates of attendance
 - Grade level (such as freshman or sophomore)
 - Enrollment status
 - Previous institutions attended
 - Major field of study
 - Degrees/Certificates conferred
 - Date or anticipated date of graduation
 - Awards and honors received (including academic honors list)
 - Individually identifiable photographs and electronic images
 - Past and present participation in officially recognized sports and activities
 - Weight and height of members of athletic teams

LEGITIMATE EDUCATIONAL INTEREST & YOU



- Legitimate educational interest does mean everyone:
 - Note everyone has legitimate educational interest
- All access granted to your institutional SIS requires legitimate educational interest:
 - Access should be granted by the proper Director/Department Manager
- Integrity of your processes and compliance rests on legitimate educational interest and access to student data.

LEGITIMATE
EDUCATIONAL
INTEREST & YOU
CONTINUED.....

Protection of student data is always the primary concern.

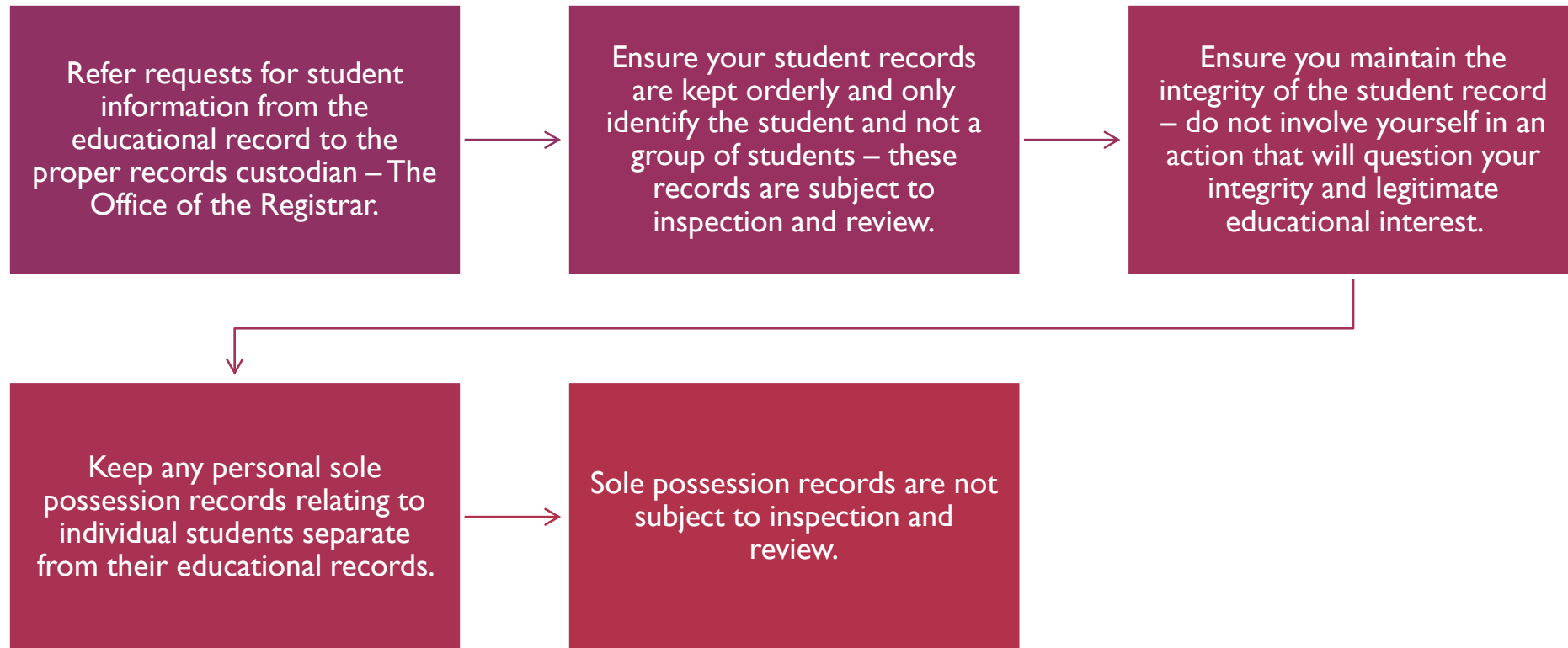
All grants for access to the institutional SIS should be preceded by a FERPA waiver.

Training for all new staff and faculty shall be completed annually to ensure compliance

Requests for student data can be denied if legitimate educational interest cannot be established

- Exceptions apply

MORE FERPA 101



THE DON'TS FOR FACULTY & STAFF RELATED TO FERPA

DO NOT

display student scores or grades publicly in association with name, SSN, Student ID's or other personal identifiers

DO NOT

request or access information from the educational record without a legitimate educational interest and the appropriate authority to do so

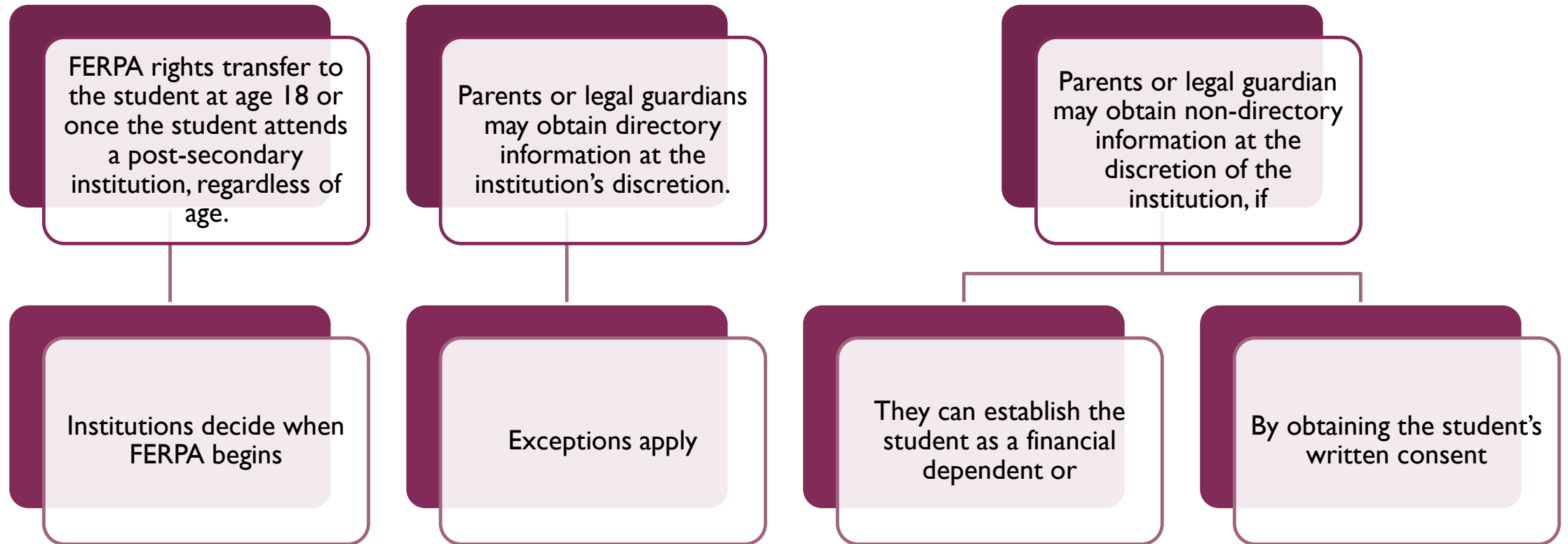
DO NOT

request access to your institutions SIS unless you have a legitimate educational interest

THE DON'TS FOR FACULTY & STAFF RELATED TO FERPA CONTINUED...

DO NOT	discuss the educational record of any student with anyone other than the student (including parents) without verified written consent of the student
DO NOT	provide lists of students for any commercial purpose
DO NOT	provide anyone with student schedules or assist anyone in finding a student on campus <ul style="list-style-type: none">• Exceptions apply

WHAT ABOUT PARENTS?







***WHEN IN DOUBT,
DON'T GIVE OUT!!!***

REFERENCES

- <http://its.nmhu.edu/IntranetUploads/001896-AnnualNotif-10282009111443.pdf>
- <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>
- www.aacrao.org/resources/compliance/ferpa

QUESTIONS



Thank you for attending.
Happy FERPA Trails

Presented By:
Henrietta Romero
University Registrar
hromero@nmhu.edu
505-454-3405