

WSU Non-HRS Managed Employee FERPA Training Form

Why must I learn about FERPA?

FERPA (Family Educational Rights and Privacy Act) is a federal law that all WSU employees must follow regarding the rights of students and their education records. Each employee, prior to receiving access to education records, must go through training that outlines the basics of the law, including the privacy of education records.

This training is required to be renewed every three years, both to provide a refresher on the material and to update staff and faculty on any changes in federal law or WSU policy regarding FERPA.

What is the Family Educational Rights and Privacy Act of 1974 (FERPA)?

FERPA is a federal law protecting the privacy of students' educational records. It applies to all post-secondary institutions that receive federal funding, such as Washington State University. FERPA gave certain rights to students regarding their education records, including:

- the right to inspect their records
- the right to amend their records
- the right to some control over the release of their records

FERPA applies to all students, both current and former, who are or have ever been enrolled at Washington State University. WSU defines "enrolled" as being enrolled on or after the first day of classes for a term. Once a student has been enrolled for a term, WSU will maintain official records on that student, including a transcript

What are education records?

Any record containing information that is directly related to a student and is maintained by the institution is an education record and protected by FERPA. This includes enrollment information, grades, advising files, admission information, and any other record related to the student.

Education records do not include:

- Medical records maintained by health care professionals providing treatment, including psychological counselors
- Employment records, unless employment is contingent on being a student
- Records of the university police department, which are maintained by the law enforcement unit of WSU that were created by the WSU law enforcement unit for the purposes of law enforcement
- Information on a person that was obtained when no longer a student (i.e., alumni records) and does not relate to the person as a student

Records/notes in sole possession of the maker not accessible or revealed to any other person except a temporary substitute

Any questions about what is considered an education record and subject to FERPA can be directed to the Registrar's Office or to the Attorney General's Office

What rights do students have under FERPA?

- Students have the right to inspect and/or request a copy of their education records at WSU

This right allows students to view any records that WSU maintains on them. This includes any records in any format. The only exclusions are records that contain information on other students, financial records of parents, or any letters of recommendation for which the student has waived a right of access in writing (e.g. for placement files). In addition, WSU policy is to grant students a copy of their file when requested.

In all cases, access to education records must be given within 45 days of request

- Students have the right to some control over the release of their records
- Student consent is required for the release of education records with some limited exceptions.

- Students have the right to contest or amend what is in their records

A Student may request that a record be changed if the student believes that the record is inaccurate or misleading. Students should request changes or amendments to their records from the head of the department or office that has the records. If the department denies the request to change the record, the student's own comments can be amended into the record per WAC 504-21-080.

Note: This right does not cover academic grades or evaluations

What rights do parents have under FERPA?

- Once a student enrolls at a post-secondary institution like WSU or turns 18, all FERPA rights transfer from the parent to the student.

Parents must have written student consent to access the education records of their children. FERPA does allow certain exceptions, including allowing institutions to share information when the student is claimed as a dependent on the parent's tax return. Also, in cases of health and safety emergencies, information can be shared with parents. FERPA also allows schools to share with parents if students under the age of 21 are found to have violated the school's alcohol or drug policies.

Questions regarding what may be shared with parents and under what conditions can be directed to the Registrar's Office.

What is required for a student to consent to disclose her/his education record?

The written consent must:

- Specify the records that may be disclosed
- State the purpose of the disclosure
- Identify the party or class of parties to whom the disclosure may be made
- Be signed and dated by the student

To whom can information be released without student consent?

The law allows disclosure without consent to several entities and in various situations. The most common ones include:

- University Officials with a legitimate educational interest

University officials are WSU employees and those acting on WSU's behalf, which can include students, contractors and other third parties. Legitimate educational interest is defined as necessary for the performance of duties as assigned. Access of education records for personal interests is strictly prohibited.

- Organizations doing certain studies for or on behalf of the University
- Appropriate parties in connection with financial aid to a student to determine eligibility
- Individuals who have obtained a judicial order or subpoena

For judicial orders and subpoenas, departments should contact the Attorney General's office or the Office of the Registrar to coordinate the release of student education records.

- Health and safety emergencies

What is Directory Information?

Directory information is information contained in an education record of a student which is not considered harmful or invasive. WSU has defined directory information as the following:

- Name, including former name
- Local and Permanent Address
- Telephone Number
- E-mail Addresses
- Major and minor fields of study

- Participation in officially recognized activities and sports
- Weight and height of athletic team members
- Dates of attendance
- Enrollment status (e.g., undergraduate, graduate; full-time or part-time)
- Grade level
- Status as a graduate assistant and assignment
- Degrees, certificates, and awards received, including President's Honor Roll
- Most recent previous school attended

Before releasing any information, check for the directory restriction within myWSU (currently signified by a window shade icon). Contact the Registrar's Office for more information on checking for directory restrictions. If the student has placed a directory restriction, no information can be released outside WSU, including their status as a student or former student. Directory restrictions can be placed online by students using the WSU Portal

State law prohibits the release of the name and address of students for commercial purposes; therefore, WSU does not sell mailing lists to commercial entities. Questions regarding the release of student information to outside entities should be referred to the Registrar's Office.

What recourse do students have who think their rights have been violated?

- Students may file a complaint with the Department of Education through the Family Policy Compliance Office (FPCO)
- The FPCO investigates alleged violations of FERPA and considers whether an institution has a policy or practice of violating FERPA
- Students may not seek damages on the basis of FERPA

What repercussions can result from an institution found to be in violation of FERPA?

- A formal "cease and desist" letter can be sent by the FPCO to the institution's leadership
- Policies and practices of the institution can be modified in response to the FPCO
- WSU could lose its federal funding if not responsive to the FPCO in continuing to violate FERPA

Additional Information

If you have any questions on what you can or cannot release, please contact the Office of the Registrar at 509-335-5346

Attestation

By typing my name into this form, I am attesting that I have reviewed and understand all the information regarding FERPA provided on this form.

Name (required)

Date (required)

Organization (required)

WSU ID # (required)