

FERPA GUIDELINES FOR THE BUSINESS OFFICE: PARENTAL REQUESTS FOR INFORMATION

The Family Education Rights and Privacy Act of 1974 (FERPA, also known as the Buckley Amendment) regulates the keeping and disclosure of student education records at all institutions that receive federal funds (including private institutions whose students receive federal loans.) At the postsecondary level, parents have no inherent rights to inspect a student's education records. Once a student is eighteen (18) OR matriculates into a postsecondary institution, the right to inspect and consent to release of education records is limited to the student.

Under FERPA, tax dependency allows the University, if it wishes, to release student records to parents without consent. Tax dependency (when students can be claimed by their parents as dependents for tax purposes) brings parents under a FERPA exception to student consent for release of student records. It does not give parents co-extensive rights to consent to other releases of information in student records, to challenge the accuracy of student records, to challenge a subpoena, etc.

W&L has elected to rely on FERPA's tax-dependency exception for the limited purpose of releasing fall interim grades of freshmen students to parents. Otherwise, it is the University's general practice to require signed student consent to release student records to parents.

Q1: What records are covered under FERPA as student "education records"?

A1: Any record maintained by the University which is directly related to a student, with the following exceptions:

- Records made by University employees which are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- Employment records, unless the employment is contingent on the fact that the employee is a student;
- Records maintained by University Security solely for law enforcement purposes;
- Records made, maintained and used by professionals or paraprofessionals (e.g., physician, psychiatrist, psychologist, or counselor) only in connection with treatment of the student, and disclosed only to individuals providing the treatment. Such health records may be reviewed by a physician or other appropriate professional of the student's choice;

- Alumni records containing information about individuals after they are no longer students at the University.

Q2: Are there education records to which students are not allowed access, and thus, parents should not be provided access, even with student consent?

A2: Under federal regulations, students are not allowed access to the following types of records:

- Financial records of the student's parents;
- Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in the file before January 1, 1975;
- Records connected with an application to attend W&L if that application was denied;
- Education records containing information about more than one student, in which case the University will permit access only to that part of the record that pertains to the inquiring student;
- Those records that are excluded from the FERPA definition of education records.

Q3: When may W&L release student education records to parents?

A3: Only if one of the following conditions is satisfied: (1) in compliance with a valid subpoena, with advance notice to the student; (2) in connection with a health or safety emergency; (3) with written consent of the student; (4) if the student is under age twenty-one and has been found to have violated the law and university policy on alcohol/drugs; and/or (5) if the information is "directory information," defined at A10 below. As stated above, FERPA does not prohibit the release of education records to the parents of tax-dependent students, yet W&L has elected to rely on this tax-dependency exception for the limited purpose of releasing fall interim grades of freshmen students.

Q4: If any one of the above conditions is satisfied, is W&L REQUIRED to disclose student education records to a parent?

A4: NO --Only to comply with a lawfully issued subpoena. In the other cases, W&L may exercise its discretion to do so. It has been and continues to be the institutional policy of W&L to disclose student education records to parents when one of the above conditions is satisfied, which is most often when the information is in the student's "directory information" or with a student's written consent.

Q5: Can student consent be verbal?

A5: NO --consent must be in writing, signed and dated by the student, specifying the records to be released, the reasons for such release, and to whom the records are to be disclosed. A consent form is available to students online through WebAdvisor (<https://managementtools.wlu.edu/InformationRelease/>), which can be modified to specify release to parents by Business Office personnel, or the Office of General Counsel can prepare a specific consent form.

Q6: Where parents are separated or divorced, does the non-custodial, “nondependent” parent have a right to request student education records where one of the above conditions is satisfied?

A6: YES – unless parental rights or access are specifically revoked by court order, W&L may disclose student education records to either or both requesting parents, regardless of custody or who claims the student as a tax dependent. Keep in mind that this does not mean W&L must disclose the records; only that it has the discretion to do so.

Q7: May W&L disclose one parent’s financial information to the other parent? To the student?

A7: Such financial information is part of the student’s educational record. FERPA specifically prohibits student access to parental financial information, but does not speak to access by the other parent. FERPA does allow disclosure of the student’s educational record for purposes of financial aid when the disclosure is to determine aid eligibility, amount, conditions, or to enforce terms/conditions of aid. It is not likely that one parent’s request for the other parent’s financial information would satisfy any of those conditions for release. Generally, W&L should not release one parent’s financial information from a student’s education record to the other parent, absent a lawfully issued subpoena. There may be unique situations where disclosure is warranted, after consultation with the Office of General Counsel.

Q8: What about guardians or stepparents?

A8: FERPA recognizes as “parents” natural parents, guardians, or an individual acting as a parent in the absence of a parent or guardian. This would seem to exclude stepparents unless there was no natural parent or other legal guardian.

Q9: What is included within the category of “directory information” and does the release of such information require any type of consent or notice to the student?

A9: Washington and Lee University collects, creates, and maintains information about students while they are enrolled. W&L designates the following categories of student information as public or "directory information." W&L may disclose such information at its discretion.

DIRECTORY INFORMATION

Name	E-mail addresses
Current enrollment	Date and place of birth
Local address as a student	Dates of attendance
Permanent address as a student	Class standing (e.g., sophomore)
Local telephone number	Schedule of classes

Previous institution(s) attended
Field(s) of study
Awards and honors (e.g., Honor Roll,
Dean's List)
Degree(s) conferred (including dates)
Full-time or part-time status

Photographic or videotaped image
Past and present participation in
officially recognized sports and
activities, including fraternities and
sororities, and physical factors of
athletes (e.g., height, weight)

(Examples of information which are NOT directory information and which are thus not releasable without advanced student permission or applicable exception under the Act include specific course grades, grade-point averages, race, religion, and parent names.)

Currently enrolled students may withhold disclosure of directory information. To withhold disclosure, written notification must be received by the University Registrar's Office at: Washington and Lee University, Lexington, Virginia 24450-2116. Directory information will then be withheld until the student releases the hold on disclosure. Students should understand that, by withholding directory information, some information considered important to students may not reach them.

If a student wishes a "FERPA block" on directory information to remain in effect after the last term of enrollment at W&L, a separate written request must be made to the University Registrar prior to the end of that term. Such a hold will remain in place unless removed in writing. **Q10: Does W&L need to keep any record of request/disclosure when parents request a student's education record?**

A10: NO – FERPA regulations do not require that a record be kept of disclosures to parents or disclosures of directory information.

Q11: May W&L charge parents the cost of copying for requested student education records?

A11: Yes, so long as the cost is reasonable and does not effectively prevent the parent from accessing the records. At W&L the per page copying cost is fifty cents (\$.50) per page, charged to students and all others requesting copies of education records.

Q12: Where can I get further information on FERPA?

A12: Go to the University's FERPA notice online at <http://go.wlu.edu/FERPA> There are also several good FERPA tutorials online at http://www.pugetsound.edu/files/resources/4404_FERPA_Tutorial.pdf and <http://counsel.cua.edu/Ferpa>, though bear in mind that the policies and procedures linked to those tutorials are those of the University of Puget Sound and Catholic University, respectively.

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