

**SHARING STUDENT INFORMATION WITH PARENTS  
AND UNIVERSITY OFFICIALS WITHOUT WRITTEN STUDENT  
CONSENT IN COMPLIANCE WITH FERPA**

Guidance for W&L Faculty - - September 2007

Office of General Counsel

***What is FERPA and why is it important?***

- ❖ The Family Educational Rights and Privacy Act of 1974 (“FERPA” or “the Buckley Amendment”) is a federal law that gives students access to their “education record” and protects the privacy of that record.

***What student information is covered by FERPA?***

- ❖ FERPA covers a student’s “education record,” which means any information or data recorded in any medium, including but not limited to handwriting, email, print, etc. that is directly related to a student and maintained by or on behalf of the University. Examples include grades, test scores, evaluations, courses taken, advising records, disciplinary actions, course papers and exams.
  
- ❖ FERPA does not cover information that did not come from a student’s written education record, but about which a faculty member has general or personal knowledge.

***What may I discuss with parents without written student consent?***

- ❖ You may always share “directory information,” unless a student has opted out of any disclosures of such information (includes email, local phone and address, adviser, enrollment status, academic awards, major, etc.) - - see list at <http://go.wlu.edu/FERPA#directory-information>.
  
- ❖ You may have a general conversation with parents about the student covering topics about which you have general/personal knowledge and that do not come from the student’s education record. Example, “John is doing well in class” - - “has shown a keen interest in class topics and participates often in discussions” - - “not always in class” - - “seems to be struggling a bit with some of the material,” etc.
  
- ❖ Three caveats: (1) you should try to verify that you are talking to a parent or guardian; and (2) if asked for information that is a part of the student’s education record (grades, attendance specifics, exam scores),

advise the parent that you cannot release such information without the student's written consent. If the parent questions this restriction, advise that the law does not give parents of university students the "right" to access the student record - - that right belongs to the student him/herself. Encourage the parent to discuss the specifics with the student or to request student consent for you to do so with the parent. The students give their consent using the Web release at <https://managementtools.wlu.edu/InformationRelease/Default.aspx>. The third caveat is related to W&L's disclosure of fall midterm grades to parents of first-years and new transfer students. Under current practice, faculty of these students may discuss these grades with parents.

- ❖ FERPA allows a university the discretion to release education record information to parents of tax dependent students upon presentation of tax returns to confirm dependency, but W&L's practice is to require student written consent outside circumstances of directory information or general knowledge (non-education record information).
- ❖ FERPA also allows a university discretion to release education record information to parents in a health or safety emergency.

***May I release student education record information to other university faculty and staff (or may they release it to me) without student consent?***

- ❖ FERPA allows a university discretion to release education record information to school officials who have a legitimate educational interest in the information (e.g., a faculty adviser needing a student's grades in all classes, or an Associate Dean talking with a faculty member about possible accommodations for a student's disability). As well, a university has discretion to release such information as needed in a health or safety emergency.

***Where can I go if I have other questions about FERPA?***

- ❖ Scott Dittman (8455), Barbara Rowe (8454), Leanne Shank (8941), Jennifer Kirkland (8929)
- ❖ <http://registrar.wlu.edu/policies/ferpa.htm> (W&L Policy)
- ❖ <http://www.nacua.org/nacualert/docs/FERPA/ferpa.pdf> (NOTE on FERPA & Campus Security)
- ❖ <http://www.registrar.arizona.edu/ferpacourse/> (University of Arizona FERPA Web Course)

Note: portions of this guidance are adopted with permission from “FERPA FAQ” at the Catholic University Office of General Counsel website (<http://counsel.cua.edu/ferpa/questions>).