



## FERPA Frequently Asked Questions Updated 3-1-2016

1. Can I use Cougar mail to discuss a student's grade with him/her and how much detail can I go into? Can I send students' grades via GroupWise to a student's cougarmail?  
This is what FERPA has to say regarding Faculty sending grades via E-mail to a student:  
There is no guarantee of confidentiality in transmitting information electronically via campus e-mail or through the internet. Faculty who wish to send grades to students via e-mail need to understand that, if there is an unauthorized release of grades to someone who is not a school official, the institution would be in violation of FERPA if the student whose grades were illegally disclosed filed a complaint with the Compliance office. The latest method for students to obtain their grades is through their institution's secured student information system environments, faculty electronically posts their grades and students then view their grades via a secure network ID and password.
2. How can Associate Faculty preserve a student's privacy when they must often discuss a student's work in an office shared with other people?  
Meetings to discuss the student's progress may be held in the Associate Faculty office or in the classroom either before or after class. You can discuss issues with the student using a quiet voice and away from other students or faculty members. In cases where it is more complicated and it would result in a more lengthy, in-depth discussion, the faculty member can involve the department chair or Dean and the discussion could take place in that person's office. If you do not feel the issue warrants chair or Dean involvement, the chair or division office can assist you in locating a vacant office that can be temporarily used. Essentially, the faculty member needs to determine if FERPA applies and schedule a private conference room or another vacant office as needed.
3. How long is a written statement by the student valid, permitting the parent or other third party access to the student's record? One year? Forever?  
There is no blanket permission in FERPA. A student must provide written consent each time they are giving a parent or third party access to any part of their education record that is not considered directory information. The written consent must include the precise record or records to be disclosed, the purpose of the disclosure, specifically state to whom the record or records can be released, and must be signed and dated by the student.
4. During a phone conversation with the student, is it okay to speak with a parent when the student passes the phone off to them? In other words, if we do not have verbal permission from the student, should we continue the conversation about the student's information? Is there a procedure that we should follow?  
Without the student's **written** permission, it is a violation of FERPA to release non-directory information over the phone to a **third party** unless the information requested is needed to help resolve an emergency situation. FERPA does not prevent an institution from disclosing non-directory information from a student's education record to that student by telephone. However, institutions are charged with implementing whatever procedures they deem necessary to verify the individual student's identity (student ID #, date of birth, address, high school, major, recent courses taken, etc.). Then these questions must be answered correctly by the student calling prior to personally identifiable information being provided via the telephone. At Collin, we do not make it a practice to release non-directory information to a student over the phone because we cannot be sure we are speaking with the student.
5. Why is it that we are allowed to give out some personal information such as address and photo/visual likeness and not everything else?  
The following information from a student's record is listed as directory information and may be released without the student's written permission:

Student name	Student Address
Telephone listing	Major Field of study
Participation in officially recognized activities and sports	Weight and height of athletic team members
Dates of attendance/enrollment	Most recent previous educational institution attended
Degrees and awards received	Photo/visual likeness

**Note:** A student may request that directory information be withheld from the public by completing and filing a written request with the Admissions and Records Office. Filed requests are valid until revoked by the student in writing. Before releasing any directory information, it is very important to view a student's SPAIDEN record on the Banner system to verify that the student does not have a directory hold. The directory hold is shown by the indication of confidential on the student's record. The statement 'Confidential' can be found above the student's ID number on the SPAIDEN form or located on the top right corner of the biographical tab. If you see that a student's record is marked confidential, you may not release directory information on that student or you will be in violation of FERPA. Your response should be, "There is no information available on that person."

6. What would be the best way to deal with a person or parent who seeks unauthorized information about a student?  
 Inform them of the FERPA regulations and tell them that they need to obtain the student's written consent to obtain any non-directory information. You may refer them to the Admissions and Records office for further clarification.
7. If a student is displaying odd behavior in class, may I inform other professors? OR may I ask other professors if the student is displaying the same behavior?  
 No- if the student is exhibiting odd behavior that is disruptive (a Code of Conduct violation), contacting the Dean of Students Office is the appropriate response. If the student's behavior is simply "odd" (but not disruptive), contact the Strategies of Behavioral Intervention (SOBI) team.
8. If a student informs me that they are on medication for a mental disorder or have a mental disorder, may I inform other professors? Or may I ask other professors have the students informed them of this?  
 No- contact the ACCESS Office
9. If a student informs me that they have an illness that might cause them to have seizures, may I inform their other professors so they can be prepared?  
 No- contact the ACCESS Office
10. I teach Dual Credit. Who at the high school campus can I discuss a student's grades/academic progress/behavior issues with? Since the student is a high school student, can I discuss the issue with a student's parents?  
 An institution may release non-directory information without the consent of the student to "School Officials" with a "legitimate educational interest"/"need to know" – if you need to discuss grade, academic progress, or behavior issues regarding a dual credit student, please contact the Associate Dean for Recruitment and Programs for New Students, Sabrina Belt or one of the Collin College Special Admissions Coordinators. They will then contact the correct dual credit contact at the high school level, if needed.

For the question regarding the parents of a high school student.....see the answer for #11 below

11. If a student is a dependent of their parents, can I inform the parents of the student's grades, test scores, absences, etc. How do I know if a student is a dependent of their parents? How do I handle e-mail requests from parents inquiring about their student's progress/grades?  
 The following four statements summarize FERPA regarding parental access to their child's records:  
 Regarding parents, FERPA states that:
- When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student.
  - Parents may obtain DIRECTORY INFORMATION at the discretion of the institution.
  - Parents may obtain NON-DIRECTORY INFORMATION (grades, GPA, etc.) at the discretion of the institution.....
    - 1) by obtaining a signed written consent from the student
    - 2) by submission of evidence to the Admissions and Records office that the parents declare the student as a dependent on their most recent Federal Income Tax form – (must be provided each time access is requested)
- Note: An institution is NOT required to disclose information from the student's education records to any parent of a dependent student. It may, however, exercise its discretion to do so. When access is granted, based upon demonstration of dependency, the file should note that the determination to authorize access was based upon the appropriate documentation.
- NOTE: As a faculty member, it is best if you have the student present with the parent to request grade, test score, attendance issues, etc. That way the student can ask for the information with the parent present and no violation of FERPA will be made.
12. If I believe that two students are in collusion, can I inform both students that I am sending them to the Dean of Students? If a student asks me am I sending the other student's name to the Dean of Students, what can I say?  
 Yes, you may tell the students individually that you have reported the alleged behavior to the Dean of Students Office. Simply tell the students that you will not discuss another student's situation.
13. Can I leave a voice message at the student's home phone or cell phone regarding a student's absence or missing assignments?  
 When it is necessary to leave a voice mail on the student's home or cell phone, please only leave messages that speak in general terms. To leave any personally identifiable/non-directory information about a student on the voice mail would be in violation of FERPA. When leaving voice messages you would be allowed to identify yourself and leave a message for the student to contact you either via phone or in person at the college at their earliest convenience.

14. If I return tests in class and by mistake give to Student B a test with a grade belonging to another student, have I violated FERPA?  
Yes – it is a violation of FERPA for a student to see another student's grade.
15. If I place tests on the table and have students to go through to pick up their tests, have I violated FERPA?  
Yes – this would be a violation of FERPA because it is inappropriate for students to have access to other students' information. You cannot leave personally identifiable materials in a public place.
16. Can I post grades/test scores if I create my own system of identification where only I and the student know whom the scores belong to? If I use the students ID Number?  
Since grades can never be directory information, it is generally inappropriate to post grades in a public setting. Posting grades/test scores publicly at Collin is greatly discouraged.

According to FERPA, the public posting of grades, either by the student's name, institutional student ID number, or social security number, without the uncoerced written permission of the student, is a violation of FERPA. This includes the posting of grades to a class/institutional Web site and applies to any public posting of grades for students taking distance education courses. Even with the names obscured, numeric student identifier numbers are considered personally identifiable information. FERPA does not prevent an educational institution from posting the grades of students without written consent when it is done in a manner that does NOT disclose personally identifiable information from the student's education record. Thus, while FERPA prevents a school from posting grades by social security numbers, student id numbers, or by names because these types of information are personally identifiable or easily traceable to the students, nothing in FERPA would prevent a school from assigning individual numbers to students for the purpose of posting grades as long as those numbers are known only to the student and the school official who assigned them. It is recommended that such a posted list not be in the same order as the class roster or in alphabetical order.

17. How can I provide positive reinforcement to students in front of their peers without violating FERPA regulations? Does verbally congratulating or acknowledging a student's superior work on a paper or test as we are passing them back constitute a FERPA violation? It is nice to be able to say "good job" or "nice work" to an individual, but even if it is only overheard by the people sitting nearby, it does seem to provide information about that student's grade to other students.  
You may speak in generalities but should not express verbally anything that would be specific to a student's grade and thus a violation of FERPA. As a suggestion, it may be better to congratulate or acknowledge a student's superior work in other ways, such as through Cougarmail, by writing notes on the returned test or paper, before or after class, or in a quiet voice away from other students.
18. If I talk to another professor about a student that I am having problems with and mention the student's name, have I violated FERPA?  
You may speak in generalities (using no identifiers) when discussing student behavior. However, mentioning a student's name in relation to a disciplinary situation does violate FERPA.
19. Scenario: You are a professor at Collin. A student who is enrolled in your course is no longer attending due to entering rehab. They cannot be reached at this time regarding their class. The student's parent contacts the professor asking for the student to receive an incomplete in the class and seeking information on what the student would need to do to make up the grade. How should a professor handle the situation? Are they allowed to speak to the parent without the student's written permission?  
In this situation, the professor would be able to discuss in generalities the requirements for taking an incomplete in a course and be able to explain to the parent the necessary steps the student would have to take to accomplish this. If the parent then requests to act in behalf of the student to proceed with the incomplete, you would first need to ask the parent for written permission from the student. If written permission from the student is not able to be obtained, the professor should work closely with the Admissions and Records office to make sure appropriate documentation is provided by the parent to the college. This documentation would include a written statement from the parent describing the situation, and official medical documentation stating that the student is in rehab and unable to provide the written documentation. The Admissions Office would work closely with the Dean of Students office to make sure that appropriate documentation exists prior to the parent being able to act on behalf of the student.

20. If a student asks me to write a scholarship letter and the information requires the student's grades, should I have the student to put it in writing so I will not be violating FERPA? Am I violating FERPA?  
Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information obtained from a student's education record is included in the letter (grades, GPA, etc.), the writer is required to obtain a signed release from the student which 1) specifies the records that may be disclosed, 2) states the purpose of the disclosure, and 3) identifies the party or class of parties to whom the disclosure can be made. Since the letter of recommendation would be a part of the student's education record, the student has the right to read it, unless she/he has waived that right of access.

Below is an example of a letter you can use to obtain permission from the student:

I, \_\_\_\_\_, give permission to Professor \_\_\_\_\_ to write a letter of recommendation to:

Name  
Address  
City State Zip

Professor \_\_\_\_\_ has my permission to include my grades, GPA, and class rank in this letter.

I waive/do not waive my right to review a copy of this letter at any time in the future.

\_\_\_\_\_  
Signed Date

21. Is it a violation of FERPA if I have students peer review and assign grades to other student's works?  
As a general rule, it is not recommended that a student peer review and assign a grade to the work of another student. Peer review and grading would not be a violation of FERPA if the work is an informal quiz where the grade is not recorded. The decision of the US Supreme Court in 2002 was that the practice of peer grading does not violate students' privacy rights under FERPA, at least during the initial stage until the teacher collects and records the students' grades.  
*Peer-grading (Owasso Indep. Sch. Dist. No. 1-011 v. Falvo, 534 U.S. 426 (2002))*  
*A student's grades may not be disclosed to another student without the prior written consent of the parent or eligible student.*  
*"Education records" excludes grades on peer-graded papers before they are collected and recorded by a teacher.*
22. If I am discussing a student with my spouse/significant other, is it a violation of FERPA?  
You may speak in generalities (using no identifiers) when discussing a student with another person. However, mentioning a student's name or any other personally identifiable information in conversation does violate FERPA.
23. Suppose a police officer asks me about a student i.e. is he/she attending class or where they in class on a specific date, can I give that information to the police officer?  
FERPA does have a provision that allows for college police officers to obtain information about students in the event of a health or safety emergency. Additionally, FERPA requires disclosure to police officers in compliance with judicial orders or lawfully issued subpoenas. If a (McKinney, Frisco, Plano) police officer requests information on a student, please refer them to the Collin College police.
24. Many of the faculty do collaborative group work in which students work together as part of a team. Sometimes, they discuss other students work when discussing the work as a team ---would this be a FERPA violation?  
This would not be a violation of FERPA as long as students are speaking in generalities about the group work and no personally identifiable non-directory information is being disclosed.
25. What could be the consequences of violating FERPA?  
**Penalties for Violating FERPA Regulations:**  
**Penalties for you as an employee:** You could be subject to criminal and civil penalties imposed by law. You would be in violation of Collin's policy regarding FERPA and the violation could constitute just cause for disciplinary action including termination of employment regardless of whether criminal or civil penalties are imposed.  
**Penalties at the Institution level:** The Family Policy Compliance Office reviews and investigates complaints of alleged violations of FERPA. If the Office finds that there has indeed been a failure to comply with FERPA, it will notify the institution about the corrections that need to be made to bring the institution into compliance. The Office will establish a reasonable period of time for the institution to voluntarily accomplish the specified changes. If the Secretary of Education finds, after this reasonable period of time, that the institution has failed to comply with FERPA and determines that compliance cannot be secured by any means, he or she can, among other options, direct that no federal funds under his or her administrative control (financial aid, educational grants, etc.) be made available to that institution.