



STATE OF OHIO  
OFFICE OF THE ATTORNEY GENERAL  
JIM PETRO, ATTORNEY GENERAL

## FERPA REFERENCE GUIDE

*A quick reference for  
student privacy matters.*

### ***Have additional questions?***

Connie Klinshirn  
419-267-1329

*have your College Administrator contact:*

***The Ohio Attorney General's Office***  
The Education Section  
30 East Broad Street – 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 644-7250

***The Family Policy Compliance Office***  
LeRoy Rooker, Director  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202-4605  
<http://www.ed.gov/policy/gen/guid/fpco/index.html>

### **Does FERPA apply to YOU?**

- (1) Are you employed by the college in an administrative, supervisory academic, research, or support staff position (including law enforcement and health staff personnel)?
- (2) Are you a member of the board of trustees?
- (3) Are you a company employed by or under contract with the college to perform a special task (such as the attorney, auditor, or collection agency)?
- (4) Are you a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks?

If you answer “yes” to any of the 4 questions, you are a school official.

### **What is an “Education Record?”**

- (1) Is it personally identifiable to a student?
- (2) Is it maintained by the institution?
- (3) Can it be excluded from all of the categories that are not education records (law enforcement records, employment records, etc.)?

If you can answer “yes” to all 3 questions, you have an education record.

### **What is “Personally Identifiable Information?”**

- (1) Does the record contain the name of the student, the student’s parents, or other family members?
- (2) Does the record contain the student’s campus or home address?
- (3) Does the record contain a personal identifier (such as a social security number or student number)?
- (4) Does the record contain a list of personal characteristics or other information which would make the student’s identity easily traceable?

If you answer “yes” to any of the 4 questions, the record contains personally identifiable information.

### What are "Sole Possession Notes?"

- (1) Did you create the notes by yourself?
- (2) Do they contain your own observations or recollections?
- (3) Are they kept separate and private from all other student records?
- (4) Have you *never* shared them with anyone other than a temporary substitute teacher?

If you answer "yes" to all 4 questions, you have a "sole possession note" that is not subject to disclosure under FERPA.

### What is a "Legitimate Educational Interest?"

- (1) Is a school official making the request?
- (2) Does the requesting school official *need* the information in order to fulfill his or her professional responsibility?
- (3) Is there an existing policy that defines what the college considers legitimate educational interests?

If you answer "yes" to all 3 questions, there is a legitimate educational interest.

### What must the College inform students of on an annual basis?

The students rights to:

- (1) Inspect and review their education records.
- (2) Request an amendment to their education records (clerical errors may be corrected).
- (3) A hearing if the request for an amendment is unsatisfactory.
- (4) Request that the institution not disclose their directory information.
- (5) File a complaint with the US. Dept. of Ed.
- (6) To know (a) that school officials within the institution may obtain information from education records without obtaining prior written consent, (b) the criteria for determining who will be considered school officials, and (c) what *legitimate educational interests* will entitle school officials to have access to education records.

### Do I have to provide parents access to their child's education records?

- (1) Is the student is under 18?
- (2) Is the student an IRS dependent of parent?
- (3) Is the parent has written permission by the student?

If you answer "yes" to any of the 3 questions, you may disclose the record to the parent.

### Education records may be released to the following parties without written permission:\*

- (A) A student seeking their own records.
- (B) Authorized federal officers.
- (C) A teacher with a legitimate educational interest.
- (D) Schools to which the student has applied for admission.
- (E) Persons or organizations providing financial aid to the student.
- (F) Organizations conducting educational studies.
- (G) Accrediting organizations.
- (H) Parents, if a student is an IRS dependent.
- (I) A person who serves a valid subpoena.
- (J) A court, when the student and college are in a lawsuit.
- (K) Any person in an emergency, when necessary.
- (L) The alleged victim of a crime of violence, but only records that relate to institutional disciplinary proceedings on that matter.
- (M) Veterans' Administration.
- (N) INS for purposes of CIPRIS.
- (O) Parents of students under 21, when the student commits an alcohol or drug offense.
- (P) The public, when the records regard the final outcome of student disciplinary proceedings when a student is charged with a violent crime or non-forcible sex offense.

\* Students should be notified of the disclosure unless directed otherwise by a court.

### Do I have to document when an education record is disclosed?

YES! It is recommended that you keep track of the following information for any disclosure:

- (1) Who has reviewed the record.
- (2) For what purpose the record was reviewed.
- (3) Under what authority the record was reviewed.
  - (a) i.e. Written permission by the student.
  - (b) i.e. Legitimate educational interest.

### Am I obligated to inform a reviewing third-party of their duty to not re-disclose the information?

YES! It is recommended that you inform them:

*"These records are confidential education records protected by Federal Law. You may not share or disclose these with any other party."*