

Legitimate Educational Interest

What is "legitimate educational interest"? In accordance with FERPA, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. This includes such purposes as:

- Performing appropriate tasks that are specified in her/his position description or by a contract agreement;
- Performing a task related to a student's education;
- Performing a task related to the discipline of a student;
- Providing services for the student or the student's family, such as health care, counseling, job placement, or financial aid.

What is NOT "legitimate educational interest"? Legitimate educational interest does not convey inherent rights to any and all student information. The law discriminates between educational interest, and personal or private interest; determinations are made on a case-by-case basis. Educational interest does not constitute authority to disclose information to a third party without the student's written permission.

Special "DON'TS" for Faculty

To avoid violations of FERPA rules:

- DO NOT at any time use the student's social security number or BANNER ID in any public posting, (including the classroom, example: do not pass around your class roster for students to sign, initial, etc.)
- DO NOT ever link the name of a student with that student's social security number or BANNER ID in any public manner.
- DO NOT leave graded tests in a stack for students to pick up by sorting through the papers of all students; place each one in a separate envelope.
- DO NOT circulate a printed class list with student name, BANNER ID, or any other non-directory information, or grades as an attendance roster.
- DO NOT discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.
- DO NOT provide anyone with lists of students enrolled in your classes for any commercial or other purpose.
- DO NOT provide anyone with student schedules or assist anyone other than College employees in finding a student on campus. Refer individuals to the Public Safety Department.

The Media

Nothing in FERPA allows an institution to discuss a student's educational record publicly— even if a lawsuit has made the information a matter of public record. A school official may not assume that a student's public discussion of a matter constitutes implied consent for the school official to disclose anything other than directory information in reply. Additionally, College employees should follow College policy regarding the release of information to the media.

E-Mail Address

An e-mail address is personally identifiable student information that must not be disclosed without the signed written consent of the student.

Parental Access to Student's Educational Record

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. The college will obtain an observed signed consent from the student that authorizes the parent to receive non-directory information and/or to attend a meeting regarding the student's academic record. The consent form will be kept on file in the office where the meeting was held (Admissions, Registrar or Dean of Learning and Student Development). Should a parent contact you regarding their child, you must check for this authorization prior to releasing any information. If the authorization does not exist, you must not discuss the student with their parent and advise the parent that their child must give us written observed authorization before you are allowed to do so.

NVCC thanks Antonio L. Veloso, Director, Enrollment and Research Services of Quinebaug Valley Community College, for preparing this document for faculty/staff reference and distribution.

Resource: Board of Trustees of the Community-Technical Colleges, Board Policy 5.7

Resource: The AACRAO 2001 FERPA Guide: Loyola University: Regis-L elist

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FERPA

FOR FACULTY, STAFF
and STUDENTS

*Family Educational Rights
and Privacy Act
for
STUDENT RECORDS*

NVCC
750 Chase Parkway
Waterbury, CT 06708
Records/Registrar's Office
Phone: (203) 596-2177
Fax: (203) 575-8085

www.nvcc.commnet.edu

What is FERPA?

Maintaining confidentiality of student records is everyone's responsibility whether you are faculty, staff or student worker.

Annually, Naugatuck Valley Community College (NVCC) informs students of the Family Educational Rights and Privacy Act of 1974, as amended by publishing an Annual Notice of Rights in the College Catalog and the Student Handbook. This Act (also known as the Buckley Amendment), which the institution intends to comply with fully, has been designed to protect the privacy of educational records. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records to inspect and request correction of their educational records and for the College not to disclose personally identifiable information without the student's consent or as otherwise permitted by law.

The following is considered "Directory Information" by the Connecticut Community College System. College policy allows the release of this information without reference to legitimate educational interest. Students who request that this information not be disclosed by the College must notify the Registrar's Office in writing. Forms are available in the Registrar's Office.

Directory Information: Board Policy 5.7

- Student names
- Addresses
- Dates of attendances (semesters)
- Full vs. part-time student status
- Awards, honors, and graduation date

For the purposes of access by military recruiters only, telephone listings and, if known, age, level of education and major are also designated as directory information.

All other information is considered non-directory information and, with some exceptions, requires the written consent of the student for the release of information to any third party.

FERPA also permits disclosure of educational records without consent in connection with, but not limited to:

- To comply with a judicial order or a lawfully issued subpoena;
- To appropriate parties in a health or safety emergency;
- To officials of another school, upon request, in which the student seeks or intends to enroll;
- In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;

- To certain officials of the U.S. Department of Education, the Comptroller General, to state and local educational authorities, in connection with certain state or federally supported education programs
- To accrediting organizations to carry out their functions;
- To organizations conducting certain studies for or on behalf of the College;
- The results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence to the alleged victim of that crime with respect to that crime.

What is an Educational Record?

Any personally identifiable information pertaining to a student that is maintained by the College in any form is considered part of the student's educational record:

- Personal information
- Enrollment records (application, transcripts, test scores, etc)
- Grades
- Schedules

Student educational records may be:

- A document/file in the Academic Affairs Office
- A computer printout in your office
- A class list on your desktop
- A computer display screen
- Notes you have taken during an advisement session
- Email containing a reference to a student

Posting of Grades by Faculty

NVCC and the Community College System provides a secure WEB for Student product for students to view their academic record and a secure WEB for Faculty product for submitting grades.

The public posting of grades either by the student's name or social security number or Student/BANNER ID is a violation of FERPA. This includes the posting of grades to a class website and applies to any public posting of grades for students taking distance education courses.

Instructors and others who post grades should use a system that ensures that FERPA requirements are met. This can be accomplished by using code words or randomly assigned numbers that only the instructor and individual student should know. Our recommendation is that no grades be posted.

Notification of grades via a postcard violates a student's privacy rights. It must be in a sealed envelope with security precautions.

Notification of grades via e-mail is not recommended. There is minimal guarantee of confidentiality on e-mail.

Letters of Recommendation and/or Verbal Commendations

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. However, if personally identifiable information obtained from a student's educational record is included in the letter of recommendation (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. If this letter is kept on file by the person writing the recommendation, it would be part of the student's education record and the student has the right to read it unless he or she has waived that right to access.

Sample letter of recommendation

I give permission to Prof. Smith to write a letter of recommendation to:
Allstate Insurance
324 Wilkins Drive
Atlanta, GA 33011

Prof Smith has my permission to include my GPA and grades.
I waive (or do not waive) my right to review a copy of this letter at any time in the future.

Signature/Date

