

# A FERPA Final Exam

## Confidentiality and Student Education Records

This examination is designed to test your knowledge of the Family Educational Rights and Privacy Act of 1974 as Amended (FERPA). The first section is True/False. Mark either T or F on each line next to the statement. (An answer key is included at the end of this document.)

1.  A student's degree can be confirmed to some external (outside of your college) source without first obtaining the permission of the student as long as "degree" is identified by the institution as directory information.
2.  A student has a right to inspect information in his or her file in the Registrar's Office and in his or her department.
3.  It is permissible for a professor to post student grades on an office door if only a student's social security (I.D.) number is used.
4.  The registrar may release information about a student without the student's written permission upon receipt of a subpoena.
5.  Parents may obtain confidential information from their student's academic record.
6.  Your college must annually notify students of their rights under FERPA.

17. \_ A student's written permission is required before an institution releases information to a national research organization conducting a study on the advantages and disadvantages of selective admissions.

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26. \_ A faculty member asks one of your staff for the names of all of the graduates in his program since its beginning in 1980. Which of the following statements is true?
- a. The faculty member can legally obtain this information under FERPA as long as he has written permission from the dean (or designee).
  - b. The faculty member cannot legally obtain this information since it is excluded from FERPA.
  - c. The faculty member must provide a valid reason for obtaining the information.
  - d. The faculty member is not entitled to all of the information since FERPA does not permit release of this information on students not currently attending the institution.
27. \_ Question 26 is an example of the exercise of:
- a. legitimate educational interest.
  - b. eminent domain.
  - c. permissible exclusion.
  - d. informational exclusivity.
  - e. non-disclosure.
  - f. implied consent.
28. \_ FERPA requires institutions to obtain which of the following from the student before releasing any directory information:
- a. written permission
  - b. verbal permission
  - c. certified permission
  - d. consensual permission

- c. faculty
- d. social security number

34. \_ According to FERPA

- d. a recommendation of a professor that is kept in the professor's file only and not shared with anyone.
  - e. a and b only
  - f. a, b, and c only
  - g. none of the above
  - h. all of the above (a, b, c, d)
42. \_ To be an "education record," a piece of information must be:
- a. personally identifiable to a student.
  - b. maintained by the institution.
  - c. kept in the registrar's office.
  - d. made available to the law enforcement unit.
  - e. a and b only
  - f. a, b, and c only
  - g. a and d only
43. \_ FERPA
- a. permits institutions, through the "implied consent" rule, to disclose non-directory information about a student if the student has publicly disclosed non-directory information about himself.
  - b. permits disclosure of non-directory information to the press based on the Privacy Act.
  - c. permits disclosure of non-directory information to other school officials through the "implied consent" rule.
  - d. permits disclosure of non-directory information to a representative of an insurance company who has been designated by the institution to recommend a new student health insurance policy.
44. \_ Which of the following is required from students by FERPA before releasing information about them?
- a. verbal consent to release the information
  - b. written permission, unless the release is covered by any exception listed in FERPA
  - c. verbal consent from the student's advisor
  - d. written consent from the parents of a dependent student
45. \_ Institutions may release information to parents:
- a. by obtaining the student's written permission.
  - b. by having the parents establish the student's dependency according to the IRS Code of 1986.
  - c. through a legally issued subpoena.
  - d. all of the above
  - e. a and b only
46. \_ Records of disclosures of student information must be kept for requests from and releases to:
- a. students for their own use.
  - b. school officials.
  - c. members of the Board of Trustees.
  - d. individuals seeking directory information.
  - e. work-study students who have a need to access other students' records as a result of their employment in an office of the institution.
  - f. all of the above (a, b, c, d, e)
  - g. none of the above
47. \_ FERPA applies to the follo4 Tm2d3(by)273(ers)8.7(is to)-6 9( )]o.4( th)5.6ot.

- b. no
- c. depends

If you chose c., what is your reason?

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- 49. \_ Upon receiving a subpoena, you must:
  - a. notify the student in all cases that you have received the subpoena.
  - b. determine if the subpoena has jurisdiction over your institution before complying.
  - c. notify the server of the subpoena that you will comply within ten working days.
  - d. notify the student's parents that you have received it.
  
- 50. \_ A student has the right to review which of the following information about him that is maintained by the institution:
  - a. parental financial information
  - b. letters of recommendation
  - c. law enforcement unit records
  - d. admissions records related to the denial of his application into another college of the institution
  - e. all of the above
  
- 51. \_ Which of the following is not a student's right under FERPA?
  - a. the right to request that the institution discontinue use of his or her social security number as a personal identifier
  - b. the right to limit disclosure of directory information
  - c. the right to request an amendment to his or her education record





Bonus: Why is it important to identify what is and is not an education record?

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54. Would the following requests made by currently enrolled students be specifically granted by FERPA? (Enter "Y" for yes or "N" for no next to each letter to indicate whether FERPA allows you to comply with the request.)

- a. inspect their education records
- b. a copy of any education record
- c. amend an education record
- d. non-disclosure of directory information
- e. non-disclosure of non-directory information
- f. have a hearing to amend an education record
- g. prevent parents from viewing education records
- h. forward to his attorney any subpoenas received by the college for his education records

55. Would the following requests made by former students (no longer enrolled) be specifically granted by FERPA? (Enter "Y" for yes or "N" for no next to each letter to indicate whether FERPA allows you to comply with the request.)

- a. inspect their education records
- b. a copy of any education record
- c. amend an education record
- d. non-disclosure of directory information
- e. non-disclosure of non-directory information
- f. have a hearing to amend an education record
- g. prevent parents from viewing education records
- h. forward to his attorney any subpoenas received by the college for his education records

**And some brain stretchers to conclude this part of the exam...**

For each of the situations below, answer the questions thoroughly and completely using your knowledge of FERPA. You will be best served if you use specifics within FERPA to make your conclusions.

56. In a “Release of Student Information” policy at one institution, the following statements appear:

*“(Public information) is limited to name; address; phone; major field of study; dates of attendance; admission or enrollment status; campus; school; college or division; class standing; degrees and awards; activities; sports; and athletic information...”*

*“...Public information shall be released freely unless the student files the appropriate form requesting that certain public information not be released...”*

*“Public information which cannot be restricted includes the name, enrollment status, degrees earned, and dates of attendance.”*

What is wrong with these statements? How should the statements be changed?

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57. The following statement appears in one university’s FERPA policy:

*“The following information will be released to those requesting it unless the student specifically requests otherwise on the form provided or by submitting written notification to the Registrar’s Office:*

*Student’s Name*

*Local Address*

*Local Phone Number*

*Enrollment Status*

*Major*

*Dates of Attendance*

*All other information will not be released without written consent of the student.”*

What would be another FERPA-acceptable way to restate the sentence in bold above to allow your institution more flexibility in complying with requests for student information? Cite the section of FERPA to which your revised statement would apply.

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58. University A has invested in a web-based teaching aid for faculty that permits interaction among students and the professor. One of the features that has appealed to faculty is the ability to communicate with students via e-mail.

One faculty member has suggested that she wants to provide e-mail addresses of all students in her class to every student so they can communicate among themselves.

As the registrar, you know that e-mail addresses are not identified as directory information at your institution.

What would need to occur for this professor to share e-mail addresses among her students?

Your answer should include a discussion of directory information as it pertains to FERPA, non-disclosure, and the annual notification to students, as well as any other information you deem appropriate.

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**Short Answer, or Your Daily FERPA In-basket—**

You are the registrar/director of admissions and records for your institution. You have direct daily responsibility for academic records. You are asked to provide a solution to each in-basket item and to cite the FERPA reason(s) that justify(ies) your decision. Remember: there may be more than one correct response. Your reasoning and FERPA justification are most important here. Whether directly asked to or not, you are expected to give at least one reason for your answer. A simple “yes” or “no” is not sufficient.

Short answers, please; not essays.

**In-basket Item #1**

The dean of the graduate school calls you and relates the following:

*“I have a question about FERPA. I am familiar with the idea of the law, but I am wondering if you can give me an interpretation for the following scenario. That is, is what I’m about to describe a violation of the student’s right to review records or merely bad pedagogy?”*

*One of our Ph.D. students took the qualifying examination in January and was told shortly thereafter she had failed. Her department informed her that she would have another chance in the summer to take the examination. The student wanted to see her graded examination, since she wanted to learn from any mistakes she may have made and also because she truly believes she performed sufficiently well to pass. She informed her advisor, the department chair, and the graduate committee chair in writing of her wish to inspect the graded exam. After a month had passed, she reminded the graduate committee chair verbally of her desire to inspect her graded exam. He acknowledged this request but was not certain that it could be granted; a couple weeks later, he suggested she try to reconstruct the exam and her responses from memory and then discuss them with her advisor.*

*About two months after the student’s initial request (having repeated it again a couple times in the interim), her advisor informed her that the department policy is not to let students inspect graded qualifying examinations. Furthermore, the graduate committee has objected to her advance request to review the grading of the second examination she is to take in the summer.*

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**In-basket Item #3**

Currently, your Admissions Office is the owner of all the information that is on the student's application. A copy of all this information is given to you, the registrar, after the student has matriculated. (Admissions keeps a copy of the data for reference for reporting, etc., purposes).

- a) Career Services requests these data in order to help place students in jobs. Are you in compliance with FERPA if you give Career Services access to all this admissions data? Why?
- b) Do you need any waiver or header or notification to the applicant that you are doing this?
- c) Can admissions share its database information with other departments/individuals without advising the applicants?

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**In-basket Item #5**

The director of financial aid comes to you and asks for your interpretation of when parents can/cannot see a

You believe under FERPA that the student is subject to U.S. law and you cannot, therefore, release anything but directory information without the student's written permission.

What do you tell the parent?

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**In-basket Item #8**

Would you do anything? Why or why not?

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**In-basket Item #11**

The wife of one of your students hands one of your staff members a piece of paper which is written and signed permission for the wife to pick up the student's transcript. Is this permissible? Would you permit it?

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**In-basket Item #12**

Your boss asks you what information you can release over the phone. How do you reply?

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**In-basket Item #13**

The dean of your college has just had a discussion with the education department head. The department head had requested to see the counseling records in the counselors' office for two education majors. He was requesting this information to determine the students' fitness to become teachers. The counselor refused to provide the information, claiming that the information in the files was "privileged." The dean asks you if the counselor was correct in refusing to provide the information.

How do you respond?

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**In-basket Item #14**

Jill from the Human Resources Office e-mails that she has just received a call from food services, and she needs some help with a "FERPA question," as she puts it. This morning an FBI agent had visited the manager



of food services and had asked to see the work records of a food service employee who was hired under a work-study contract. Jill wants to know if the manager should show the records to the agent. What should you ask her first? What do you tell her?

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**In-basket Item #15**

An officer from a police department in a nearby town calls. The officer states that they have arrested a person who claims to be a student at your college. He is calling to verify this.

You know that this police department has the policy of releasing students for minor infractions (which is what is involved in this case) if it can be verified that the person is a student.

You check your records and find that this person is a student. However, there is a signed statement from the student that he wants no information on him released.

Do you verify to the officer that this person is a student? Why or why not?

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# Answer Key to FERPA Final Exam

## True/False Section

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|----|---|----|---|-----|---|-----|---|-----|---|
| 1. | T | 5. | T | 9.  | T | 13. | F | 17. | F |
| 2. | T | 6. | T | 10. | T | 14. | F | 18. | F |
| 3. | F | 7. | T | 11. | F | 15. | F | 19. | T |
| 4. | T | 8. | F | 12. | T | 16. | F | 20. | F |
|    |   |    |   |     |   |     |   | 21. | T |

## Multiple Choice Section

- |     |                |     |       |
|-----|----------------|-----|-------|
| 22. | e <sup>1</sup> | 36. | a     |
| 23. | c              | 37. | d     |
| 24. | d              | 38. | fc113 |
| 25. | d <sup>2</sup> |     |       |
| 26. | c              |     |       |
| 27. | a              |     |       |
| 28. | d              |     |       |
| 29. | b              |     |       |
| 30. | a              |     |       |
| 31. | d              |     |       |
| 32. | d              |     |       |
| 33. | b              |     |       |
| 34. | a              |     |       |
| 35. | a              |     |       |

(1) Obtain written permission of each student in the class to share his or her e-mail address with other students in the class.

(2) A better long-term solution would be for the institution to identify e-mail address as directory information. Before doing so, however, it would have to notify students of that intent. Students then would have to be given a period of time to request that their e-mail addresses not be disclosed (right of non-disclosure).

The institution needs to answer the question of when to notify students about adding an item to directory information to its list. If it is in the middle of the academic year, this would necessitate a special notification to all students with the attendant period for them to request that their e-mail addresses not be disclosed. If the decision to notify students could wait until the institution annually notified students of their FERPA rights, this would save the time and effort required for a special mid-year notification and would make the notification process more efficient.

Even if e-mail addresses were included as directory information, a special procedure would have to be created to identify any student in any class wishing to use this teaching tool that shared e-mail addresses with all students in the class. This procedure would identify any student in the class who had requested non-disclosure of his or her e-mail address. The student then could be notified of the implications of his or her non-disclosure for that class and decide if he or she wished to keep the non-disclosure active.

### **FERPA In-Basket**

#1 The student has the FERPA right to review the examination since it meets the definition of "education record," i.e., personally identifiable to the student, maintained by the institution, and not one of the excluded categories from FERPA.

(Forty-five days have elapsed from the first request to review the record, so the institution is in violation of FERPA.)

#2 Yes. The institution may release any directory information on a case-by-case basis as long as the student (while still a student) has not requested non-disclosure. Any student, current or former, may request that the non-disclosure be removed. However, the institution does not have to honor such requests.

Note: The author does not agree with institutional policies that refuse the removal of a hold on directory information.

#3 (a) Yes. At most institutions, this would be considered a valid exercise of "legitimate educational interest." However,

#8 FERPA only requires institutions to provide access to education records. It does not require that you make copies of any records unless geographic distance of more than 50 miles precludes personal inspection. Professional courtesy and the fact that another institution's records on that student may have changed are two reasons for not copying other institutions' transcripts for students.