

FERPA
Family Educational Rights
& Privacy Act

Patty Warnick-Wait
Office of Academic Records
805.756.2723
pwarnick@calpoly.edu

**U.S. Department of Education publishes
its FINAL RULE on FERPA
Effective 1/8/2009**

Changes and Clarifications can be found at
Federal Register - Family Educational Rights
and Privacy; Final Rule 12/9/2008 -

<http://edocket.access.gpo.gov/2008/pdf/E8-28864.pdf>

Changes & Clarifications:

- § 99.3 - Personally Identifiable Information (PII) Includes, but is not limited to:
 - Name
 - Name of family members
 - Address or family address
 - Personal Identifiers (SSN, Empl ID, Biometric record)
 - Other Indirect Identifiers (DOB, Place of Birth, Mother's Maiden Name)
- Biometric Records
 - A record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, facial characteristics, and handwriting.

Changes & Clarifications:

- § 99.3 - Public posting of Class Rosters and Grades, either by the student name or student ID, or other PII is a violation of FERPA.
 - This includes leaving papers, exams, labs, etc. in an area accessible to the public.
- § 99.3 - Peer Graded Papers, collected before being recorded, are NOT Educational Records.
- § 99.37 – Even if students protect their Directory information, FERPA does not give students the right to prevent disclosure of their name and email in the classroom.

Changes & Clarifications:

- § 99.31 - Do not use widely available information to identify and authenticate the identity of a student when releasing educational records.
 - Including: Name, DOB, SSN, Empl ID
- § 99.37 - Do not use Non-Directory Information to confirm or release Directory Information.
 - i.e. SSN, DOB, Empl ID, etc.
 - Without the student's written permission

Changes & Clarifications:

- § 99.31 - University Officials must have a Legitimate Educational interest to have access.
 - University officials have no inherent right to access educational record information.
 - Access is based upon a need to know/ legitimate educational interest in order to provide services or carry out University related responsibilities.
- § 99.31 - Studies & Surveys conducted by a 3rd Party must include an agreement detailing: purpose, scope, retention/ destruction, re-disclosure, controls that are in place to ensure PII is protected, etc.

Know who has protected their Directory Information!

- PeopleSoft Student Administration System
- Current Brio Query
- Future SA Dashboard
- Class List from the Printable Course Info Channel
- PolyProfile
- Ask

Where can I find additional FERPA Materials?

- OAR Informational Guide
- OAR Website – http://www.ess.calpoly.edu/records/stu_info/ferpa_policy.htm
- Information Security Website – http://www.security.calpoly.edu/what_employees/index.html
- Annual Student E-mail
- Annual Faculty and Staff Mailing
- DOE Website – <http://www.ed.gov/offices/OM/fpco>

If you have Questions...

- Refer to materials mentioned on the previous slide.
- Contact the Office of Academic Records at 756-2532.
- Contact Patty Warnick-Wait at 756-2723 or pwarnick@calpoly.edu.