

What is FERPA?

FERPA is the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. Statute: 20 U.S.C. 1232g; Regulations: 34CFR Part 99. The intent of the Act is to protect the rights of students and to insure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

What rights does FERPA afford students with respect to their education records?

- The right to inspect and review their education records.
- The right to request an amendment to their education records that they believe are inaccurate or misleading.
- The right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the United States Department of Education concerning alleged failures by the University to comply with FERPA.

What is an education record?

An “education record” is any record that is:
(1) directly related to a student; and
(2) maintained by an educational agency or institution, or by a party acting for the agency or institution.

This includes any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

What is not considered an education record?

- Sole possession records or private notes held by a school official that are not accessible or released to other personnel;
- law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;
- records relating to individuals who are employed by the institution (unless the employment is contingent on their status as a student);
- records relating to treatment provided by a physician, psychiatrist, psychologist; or other recognized professional and disclosed only to individuals providing treatment; and
- records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution, i.e., alumni records.

When is the student’s written consent not required to disclose information?

When the disclosure is:

- to the student;
- to school officials who have a legitimate educational interest;
- to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs;
- in connection with financial aid;
- to organizations conducting studies on behalf of educational institutions;
- to accrediting organizations;
- to parents of dependent students;
- to comply with a judicial order or subpoena;
- in a health or safety emergency;
- releasing directory information;
- releasing the results of a disciplinary hearing to an alleged victim of a crime of violence;

- to a parent of a student under the age of twenty-one who has violated University regulations pertaining to the use or possession of alcohol or a controlled substance.
- releasing the results of a disciplinary hearing related to a crime of violence to anyone, when the student is found to have committed a violation of the University’s rules or policies.

What is directory information?

“Directory Information” may be released to third parties without the consent of the student, unless the student has signed and submitted a written request to UREG (the Office of the University Registrar) to restrict the release of directory information. At UVa directory information includes:

- name
- home and school address
- home and school telephone number
- e-mail address, UVa computing ID
- date of birth (See next page*)
- place of birth
- country of citizenship
- major field of study
- school of enrollment, location of attendance
- full/part-time status
- level and year in school
- participation in officially recognized activities and sports
- weight and height of members of athletics teams
- dates of attendance
- candidacy for degree
- degrees, honors, scholarships, and awards received
- most recent previous educational agency or institution attended
- names of a student’s parents or guardians
- any unique identifying number created for the purpose of compiling, releasing, or transmitting directory information

*Directory Information - date of birth: It is the practice of the University not to release a student's date of birth except as required by law or as a validation of positive identification of a student when furnished by a person making an inquiry.

Who is a school official and what is

legitimate educational interest?

- School officials are those individuals who engage in the instructional, supervisory, advisory, administrative, governance, public safety, and support functions of the University. They need not necessarily be paid employees of the University.
- Legitimate educational interest is when a school official requires a student's educational record in the course of performing his or her duties for the University.

How does FERPA apply to parents of students pursuing postsecondary education at UVa?

- FERPA rights transfer to the student (referred to as 'eligible student') when he or she reaches the age of 18 or attends a postsecondary institution. Therefore, the student, and **not the parent**, may access, seek to amend, and consent to disclosures of his or her education records.

How does UVa notify students of their FERPA rights?

- Schools must notify eligible students annually of their rights under FERPA. UVa provides this notification through the Undergraduate Record, Graduate Record, the UREG (Office of the University Registrar) website (www.virginia.edu/registrar) and other means.

FERPA

For Students and Parents



If I have questions, who should I contact?

UREG (Office of the University Registrar)
(434) 924-4122
registrar@virginia.edu

More information on
FERPA may be found on the web at:
www.virginia.edu/registrar/privacyact.html
www.ed.gov/policy/gen/guid/fpco/ferpa

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The Family Educational Rights and Privacy Act and the University of Virginia