

Issues raised to LeRoy Rooker after AACRAO Webinar on FERPA Update Session on 3/27/08

The proposed updates to FERPA regulations clarify and allow the following:

FERPA covers students attending in all modalities (web, distance, video-conference; not just classroom)

Student ID may be included in Directory Information

The return of previously-disclosed data back to the sending school is an allowable re-disclosure of information.

Schools may return and/or question documents received from a sender to verify authenticity.

Re-disclosure under court order allows a state or other agency to whom a school has sent data to re-disclose data as long as the agency informs the student(s).

Opt-out does not forbid the sharing of email or other directory information among students in the classroom. If an instructor sends an email to the entire class, students cannot claim a violation of their opt-out because all students now have their email address. Students cannot expect to be anonymous in their own classroom.

Complaints to FPCO do not have to come from the student his/herself. Others who become aware of breaches of privacy can alert FPCO directly.

Schools may not assume that all undergraduate students are dependent. Tax forms are necessary or student can sign a statement indicating dependency.

School personnel may not use the SSN or any part thereof to confirm a student's identity or prove consent by the student.

FERPA does not require that students are notified if a breach of privacy occurs but the Gramm-Leach-Bliley Act may require it.

Schools may not give information on students who identify as a particular religious denomination to an organization asking for student names. Organization should give materials it wishes to send out to school and school can forward to students.