



ASK THE **FERPA** PROFESSORS

Expert answers to your **FERPA** questions.

FEBRUARY 20, 2023

DEAR FERPA PROFESSORS,

Is this a FERPA violation? I was thinking not since it is a person with the organization that pays her tuition but thought I'd check with you.

This is John Smith with the business office at Example College in Example, State. At this time, I normally would be billing your office for Jane Doe's 2023 Spring semester balance. I have been given the news that Jane Doe is on academic suspension and is currently not registered for classes. Until she is off suspension and registered, I won't be submitting a bill.

Thanks,
Mr. Pink

DEAR MR. PINK,

Section § 99.30 of FERPA generally requires that a student provide a signed, dated, written consent prior to any disclosure being made from the student's education records, unless the conditions of one of the exceptions to signed consent, found at § 99.31 of the FERPA regulations, is met. Absent a signed consent, one exception which might apply here would be the "financial aid" exception found at § 99.31(a)(4)(i)(D). This provision permits the disclosure of information in connection with financial aid for which the student has applied or received, if the information is necessary to "enforce the terms and conditions of the aid." Whether or not this would permit the College to disclose the fact that the student was "on academic suspension" would depend on the particular language contained in the agreement signed by the student with the financial aid provider. Indicating that the student is not currently enrolled is not from an education record and that information could generally be disclosed to any party.

I hope this is helpful in answering your questions. You can find the above-cited language on pages 159 and 160 of the 2012 AACRAO FERPA Guide.

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www.aacrao.org/FERPA50