



ASK THE **FERPA** PROFESSORS

Expert answers to your **FERPA** questions.

OCTOBER 17, 2022

DEAR FERPA PROFESSORS,

Quick question --- we have a student who was dismissed for academic reasons. Today we got a call from the parent wanting information on her daughter. I think we're okay to have the student complete a FERPA form, but I was trying to see if there was a delineation between an existing student and how a former student was allowed access. I don't find anything.

Your thoughts?

Thanks,

Ms. Fastolf

DEAR MS. FASTOLF,

FERPA defines a student as anyone who is or has been in attendance and regarding whom the institution maintains education records. See § 99.3 "Student" which you can find on page 155 of the 2012 AACRAO FERPA Guide. Thus, current and former students' records are afforded the same protection and the same right of access by the student of those maintained records. Concerning disclosure of those records, an institution is generally going to need signed consent from the "student" prior to any disclosure, including to parents of the student, unless the disclosure meets the conditions of one of the exceptions to signed consent found at § 99.31 of the FERPA regulations.

I hope this is helpful in answering your question.

THE FERPA PROFESSORS

AACRAO

www.aacrao.org/FERPA50



ASK THE **FERPA** PROFESSORS

Expert answers to your **FERPA** questions.

OCTOBER 17, 2022

DEAR FERPA PROFESSORS,

I have a question about how we help our faculty researchers. Many of them wish to use directory information in their research work and while we are cautious to protect student data, in cases like this, there aren't necessarily reasons to keep the data from the faculty. However, do you have any legal caveats that you know of or even just some useful guidance that we should be giving faculty about using directory information in research? We do a reasonable job of helping folks understand that directory info should still be respected, but I'm not sure if there are legal limitations when it comes to research as there are with protected student data.

Thanks,

Ms. Wales

DEAR MS. WALES,

Concerning your question, if you are talking university designated "directory information" items, then FERPA does not limit the disclosure of those items. They could be provided to any party at the discretion of the institution. It appears that these faculty researchers are not doing their research on behalf of the university, thus, you would not provide information on those students who have opted out of such disclosures. (See § 99.3 "Directory Information" and § 99.37 of the FERPA regulations.)

I hope this is helpful in answering your questions. You can find the above-cited regulations on pages 153 and 166 of the 2012 AACRAO FERPA Guide.

THE FERPA PROFESSORS

AACRAO

www.aacrao.org/FERPA50