

Family Educational Rights and Privacy Act (FERPA) Updated by United States Department of Education 1/9/09

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Topic	Previous Regulations	Updated Regulations	What does this really mean for us at Lane Community College?
Prohibition on Disclosure of Social Security Numbers	Did not explicitly prohibit the use of social security numbers to identify students when disclosing or confirming directory information.	Institutions and educational agencies are strictly prohibited from designating social security numbers as directory information under any circumstances without written consent.	Staff members must not request or acknowledge any part or all of a student's Social Security Number (SSN) when used as additional information to help identify a student. Inform the person inquiring that in the interest of preventing identity theft that you are not to confirm the validity of a SSN in any manner. We must continue to ask for SSN's at the point of admission, to be able to award financial aid, and to support the Hope Scholarship Tax Credit program.

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Opt Out of Directory Information: In-Class Disclosures of Information	Did not address whether the students can opt out of directory information disclosure to prevent certain in-class disclosures like name, electronic ID number, and institutional e-mail address.	Student may not use the right to opt of directory information to prevent disclosure of his/her name, electronic ID number, or institutional e-mail address in a class where they are enrolled. Right to opt-out of directory information disclosure does not include a right to remain anonymous in class.	It is no longer an expectation that faculty will not call out the names of students with confidentiality holds in ExpressLane. Faculty may allow pseudonyms for students with Confidentiality holds, but it is not required.

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Disclosure Due to Health and Safety Emergencies	Disclosures of personally identifiable information in connection with a health and safety emergency are allowable if necessary to protect students or other individuals. Disclosures concerning disciplinary actions for conduct that poses a safety risk to the student or other members of the school who have been determined to have legitimate educational interests in the behavior of the student are allowable. Disclosures of the appropriate information to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student are allowable.	Allows the institution to take into account the totality of the circumstances at the time pertaining to the threat. If the institution determines that there is significant threat, it may disclose information to any person whose knowledge of the information is necessary to protect the health and safety of the student and other individuals.	Lane school officials have the right to report out through the proper channels any issue or concern about a student that could result in the student bringing harm upon themselves or any other individual, without seeking prior consent from the student. However, anytime that this occurs, notification of this release of information must be sent to Enrollment and Student Financial Services, so that record of this release can be added to the student's educational records.

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Peer-Graded Assignments	Defines education records as records maintained by an educational agency or institution. Did not address the status of peer-graded tests, papers, and other assignments.	States that peer-graded papers that have not been collected by the teacher are not considered "maintained by" the institution and thus, are not education records covered by FERPA.	Students may participate in peer-grading activities, but once the grade has been recorded by the instructor, the students can not see the grades for any other student. If the faculty member wanted to feature strong or weak examples of the assignment after the grading has occurred, they may, as long as no one can trace that work back to one particular student.

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Directory Information	FERPA allows information designated as directory information to be disclosed, without consent, with annual notification of students' right to opt out of the disclosure and for the students to be able to opt out of the disclosure. It did not explicitly state whether a student's Social Security number, student ID number or personal identifier was considered directory information.	Social Security numbers and other ID numbers cannot be designated directory information. School may designate a user ID or unique identifier for use by the student to access or communicate with electronic systems. As long as the user ID or other unique identifier does not give access to education records, except when combined with other authenticating information known only to the student, such as a password or separate pin number.	"L" Student Identification Numbers could be designated as directory information as long as student records can only be accessed with the "L" Student Identification number in combination with a student selected confidential PIN known only to the student. No Lane Community College decision has been made on this as of 5/28/09

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Personally Identifiable Information	Defined personally identifiable information as the student's name and other personal information like a social security number or student ID number, name of any of the student's parents or other family members, student's address or other personal characteristics and information that would make the student's identity easily traceable.	Removes the term personal characteristics from the definition or personally identifiable information. Includes other information that alone or in combination is linked to a specific student that would allow a reasonable person in the school or the community to identify the student. Includes information requested by a person who the institution reasonably believes has direct, personal knowledge of the identity of the student. Personally identifiable Information includes biometrics (fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics and handwriting). It also includes student's date of birth, place of birth and mother's maiden name.	We must take precautions to not allow date of birth, place of birth or mother's maiden name to be used as a password prompt or a way for students to access student records. Students use the Date of Birth to initiate ExpressLane access, but immediately must change it to a confidential student selected PIN. Steps are underway to amend this to provide for additional security when logging into ExpressLane.

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Definition of Attendance	FERPA did not cover some individuals who are not or have not been physically in attendance at an institution as a student. The definition of attendance addresses correspondence courses, but did not explicitly address other distance education delivery methods.	Definition of attendance would include students attending via videoconference, satellite, internet, or other electronic information and telecommunications technologies for students not physically present in the classroom.	

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Access to Educational Records by School Officials	Did not specify whether the educational agency or institution must ensure that school officials obtain access only to records in which they have a legitimate educational interest.	Educational agencies or institutions must use reasonable methods to ensure that teachers and other school officials obtain access to only education records in which they have a legitimate interest.	This is managed at Lane primarily by controlling specific access to student educational records within ExpressLane and Native Banner.

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Disclosure to Prospective School	Permits institutions to disclose education records, without prior consent to a second institution where the student seeks or intends to enroll.	Allows an institution to transfer education records to the student's new school after the student enrolls in connection with their enrollment. Allows an educational agency or institution to update, correct or explain information it has disclosed to another educational agency or institution as part of the original disclosure without written student consent.	A new way that we could use this is if another institution suspects that a fraudulent transcript was sent to them from Lane, they could contact us to verify the information without seeking the student's permission first.

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Confirming the Identify of the Party Receiving the Disclosure	Did not address whether an educational agency or institution must ensure that it has properly identified a party to whom it discloses personally identifiable education records.	Must use reasonable methods to identify and authenticate the identity of the recipient before providing information. Must have usual and customary good business practices which require ongoing review and modification of procedures when necessary. Must reduce the risk of unauthorized disclosure to the level that is commensurate with the likely threat and potential harm from wrongful disclosure.	As Lane staff, we need to take every precaution to insure that we are giving information to individuals or agencies who are who they say they are. If anyone is ever in doubt, you may always ask for Photo ID and to provide the information in person.

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Disclosure of Personally Identifiable Information: Outsourcing	Did not address whether an educational agency or institution may use private contractors, consultants, volunteers and other third parties providing services and functions.	Explicitly allows that a contractor, consultant, volunteer, or other party, to whom an agency or institution has outsourced institutional services or functions, may be considered a school official, as long as the third party is performing services or functions that the institution would otherwise use its own employees to perform.	Disclosure of student records to entities outside of Lane still needs to be managed with disclosures and agreements in place by the offices already engaged in these processes. This does not give Lane staff license to release information to third party vendors simply because they are doing work Lane would otherwise perform.

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Disclosure to Organizations Conducting Studies	Allows an educational agency or institution to disclose personally identifiable information from educational records, without consent, to organizations conducting studies for, or on behalf of, the institution for purposes of testing, student aid, and improvement of instruction. The information must be protected to protect individual identities and must be destroyed when no longer needed for study.	Institution must enter into written agreement with recipient organization that specifies the purpose of the study. The agreement must specify that disclosed information may only be used to meet the purposes of the study and stated in written agreement, also must contain the previous restrictions on disclosure and destruction of information requirements.	This is managed at Lane by the Office of Institutional Research and Assessment Planning.

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De-identification of Information	Did not address the practice of redacting education records to identify them.	Sets forth objective standards for whether information released would make the student easily identifiable. Recognizes the re-identification risk of any release of redacted records is cumulative. Requires educational agencies and institutions to apply a consistent un-identification strategy for all data releases of a similar type.	When releasing information on a document with information on another student, not only must any other student's information not be visible, but if the number of individuals involved in the document is small enough to make it easy to see which student has been redacted measures must be taken to protect that student's privacy.

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Opt Out of Directory Information Former Students	Did not address students who opt out of directory information, then graduate or leave. How long does the opt-out decision last?	Student's opt-out decisions are indefinite, unless the student later rescinds the decision at a later date.	A Lane student's Confidentiality Hold on access to student records remains in place until the student uses ExpressLane to remove it.

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Alumni Exception	Specifies that education records do not include records of the individual after he or she is no longer a student.	Clarifies that the exclusion covers records that concern an individual or events that are created after the individual is no longer a student in attendance. Records such as settlement agreements and disciplinary decisions that concern matters that arose while the individual was in attendance would be considered educational records.	Lane students are always eligible to continue studying at Lane throughout their lifetime so we therefore consider any record associated with being a student at Lane an educational record.

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Subpoenas and Judicial Orders	No previous standards on this.	A third-party that has received personally identifiable information from the education records from an educational agency or institution must provide notice to the eligible student before it re-discloses the records in compliance with judicial order or subpoena.	

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Disclosure under the Campus Sex Crimes Prevention Act	The Campus Sex Crimes Prevention Act amended FERPA statute to permit institutions to disclose information regarding registered sex offenders provided to the institution by the State.	Makes confirming changes to FERPA regulations according to the statute. Clarifies that the Campus Sex Crimes Prevention Act applies to all educational institutions, including elementary and secondary schools. FERPA requires or encourages an educational agency or institution to collect or maintain information on sex offenders.	

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Disclosure to Parents of Postsecondary Students	FERPA rights either belong to the parents or the eligible student.	Clarify that an educational agencies and institutions may disclose student information to the parents if the student is dependent for Federal tax purposes. FERPA applies to 18 years-old high school students and postsecondary students. Also it applies in the case of a health and safety emergency. Applies if the student is under the age of 21 and has violated an institutional rule of policy governing the use or possession of alcohol or controlled substances.	Lane has chosen not to exercise the ability to have parents demonstrate student's tax dependency to release information to parents. FERPA rights move to the student either at the age of 18 or at the point of first matriculation to Lane, regardless of age.