

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

F. E. R. P. A.

F.E.R.P.A. stands for the Family Educational Rights & Privacy Act; it is federal law enforced by the Department of Education which requires institutions of higher learning to do certain things and forbids other things. Non-compliance with F.E.R.P.A. jeopardizes a college's financial aid funding and exposes the institution and the individual to liability if the student whose rights are violated sues. Allegany College of Maryland has a F.E.R.P.A. policy (see employee and student handbooks); we fully comply with federal law. *Generally, a student must sign a release before information can be shared – even with a parent.* Exception: information *may* be released to a parent who claims the student on his/her income taxes. Note that this release is permitted but not required; there are often good reasons for not releasing information such as the student's safety, a pending investigation, the inclusion of other students' information, and developmental goals for the student (eg., independence, responsibility). Information should **NEVER** be released without proper verification of the person's identity and legal authority to release. When in doubt, ask!

FREQUENTLY ASKED QUESTIONS

- 1.) **I haven't seen Student Joe in class for 2 weeks. Can I call his home and ask his parents where he is?** You can call Student Joe and leave a message asking him to call you or speak to you in class, but you cannot tell his parents that he hasn't been attending.
- 2.) **Student Sally's mother called to ask how Sally is doing in my class. What can I tell her?** Enrollment at ACM is "directory information" and therefore public, but enrollment in particular classes is not "directory information"; academic performance is most certainly protected by FERPA. Even if Mom proves Student Sally is her dependant, ACM recommends the parent speak directly with Sally. Besides, information should never be given over the phone because we have no verification the person calling is actually the parent.
- 3.) **Student Billy earned an "F" at mid-terms; his father called demanding that I change his grade** because Billy told him I didn't give him enough credit on a project and included test questions he didn't know to study. In fact, Billy missed the class when we reviewed for the test, didn't contribute to the group project so got a lower grade, and has 2 make-up quizzes overdue. What should I do? For grading purposes, you should follow your syllabus; any grade change is within your discretion, and no parent should demand that you break your own rules or give preferential treatment to his son. If Billy's father proves Billy is his dependant, you may (but are not required) offer to answer his questions in person; however, if Billy's father becomes verbally abusive, politely end the phone call. (Then give your supervisor a heads-up in case the father complains.)
- 4.) **Student Sally was an exceptional student with a bright future in the health care field. Yesterday, a potential employer called me for a reference. What can I say?** Without a signed release, the only official information you can share is that Sally attended ACM, when she attended, her program, and what degree/awards she received. You don't need a release to say if Sally was nice, well-groomed, or other personal observations, but you cannot tell what skills she mastered, how her clinical supervisors rated her, whether she attended regularly, etc.. (It's a good idea to urge your students to give you a signed release when they start their job search, use you as a reference, or ask you to write a recommendation.)
- 5.) **I had Student Billy in class a few years ago and liked him very much. He's now married to Student Sally who is in my Wednesday evening class. Today is Monday, and Billy stopped by say hello. After our chat, he asked if Sally is taking my night class or Tuesday/Thursday morning class. I answered his question, and he left. Was that okay? No. There is no spousal exception to FERPA, and none of the other exceptions apply. Maybe Billy meant no harm and simply forgot his wife's schedule. Or maybe she left an abusive marriage and doesn't want him to know her schedule. Sometimes, even parents of dependant students are not acting in their son's or daughter's best interest OR the student wants to be independent. **That's why it's almost always best to get the student's written permission before releasing information.****