Who is entitled to student information?

a) The student and any outside party who has the student's written consent.
b) School officials who have "legitimate educational interests" as defined in FERPA.
c) Parents of a dependent student as defined by the Internal Revenue code of 1986 Section 152.
d) A judicial order or subpoena which allows the institution to release records without the student's consent. However, a "reasonable effort" must be made to notify the student before complying with the order.

What is directory information?

Institutions may disclose information about a student without violating FERPA through what is known as "directory information." This generally includes but is not limited to the following:

a) Name, address, and telephone number.
b) Date and place of birth.
c) Major field of study.
d) Participation in officially recognized sports.
e) Weight and height of athletes.
f) Dates of attendance, i.e., an academic year, a spring semester, or a first quarter.
g) Degrees and awards received.
h) Most recent previous educational agency or institution attended.

Each institution is required annually to identify what constitutes directory information within its policy. This notice must also provide procedures for students to restrict the institution from releasing his/her directory information. To restrict the release of directory information, a student may contact the Office of the Vice President for Student Affairs, Overstreet Hall, room 116. Request for non-disclosure must be filed each semester and will be honored by the institution for only the current enrollment period.

What is "personally identifiable information?"

"Personally identifiable information" includes but is not limited to:

a) The student’s name.
b) The name of the student’s parent or other family members.
c) The address of the student or student’s family.
d) A personal identifier, such as a social security number or student number.
e) A list of personal characteristics.
f) Other information that would make a student’s identity easily traceable.

d) When is the student's consent not required to disclose information?

The 16 exceptions are:

a) To school officials (who have a legitimate educational interest).
b) To schools in which a student seeks to enroll.
c) To authorized representatives of (i) The Comptroller General of the U.S.; (ii) The Attorney General of the U.S.; (iii) the Secretary; or (iv) State and local educational authorities involving an audit or evaluation or compliance with education programs.
d) In connection with financial aid.
e) To organizations conducting studies for or on behalf of educational institutions.
f) To accrediting organizations.
g) To parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986.
h) To comply with a judicial order or subpoena, under the conditions described in 99.31.
i) A health or safety emergency, under the conditions described in 99.36.
j) Directory information, under conditions described in 99.37.
k) To the parent of a student who is not an eligible student or to the student.
l) Final results of a disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or a nonforcible sex offense if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crimes or offense.
m) To State and local juvenile justice systems or their officials as permitted by State statute adopted before November 19, 1974, if the allowed reporting concerns the juvenile justice system and the system's ability to serve the student whose records are released. Or after November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to serve, prior to, adjudication and the official and authorities certify in writing information will not be disclosed to any other party without consent of the parent of the student.
n) Final results of a disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or a nonforcible sex offense if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crimes or offense.

p) “Directory Information Only” for military recruiting purposes unless the student has “opted out” from the institution's policy of disclosing.

The U.S. Department of Education’s Family Policy Compliance Office established specific criteria under which a student's consent can be waived:

a) The student takes an adversarial position against the school.
b) The student initiated the involvement of a third party.
c) There is a special relationship between the third party and the educational institution.
d) The institution is limited to defending itself against the student's charges.

Requests to disclose information should always be handled with caution and approached on a case-by-case basis.
The Federal Family Educational Rights and Privacy Act affords students certain rights with respect to their educational records:

a) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
b) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
c) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that Family Education Rights and Privacy Act authorizes disclosure without consent.
d) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Southern Arkansas University at Magnolia, Arkansas, to comply with the requirements of the Family Educational Rights and Privacy Act.

e) Some confidential letters and statements of recommendation placed in education records of a student after January 1, 1975, under conditions described in FERPA section 99.12.

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides for students the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The Act applies to all institutions that are the recipients of Federal funding.

Who is protected under FERPA?

Students who are currently enrolled in higher education institutions or formerly enrolled regardless of their age or dependency status are protected under FERPA. Parents of students termed “dependent” for income tax purposes may have access to the student’s educational records. Deceased students are protected under FERPA as long as they were formerly enrolled. Students who have applied but have not attended an institution are not protected under FERPA.

What are educational records?

With certain exceptions, a student has access to those records which are directly related to him/her and which are maintained by an educational agency or institution or by a party acting for the agency or institution. “Educational Records” are 1) directly related to the student and 2) maintained by an educational agency or institution or by a party acting for the agency or institution.

FERPA contains no requirement that certain records be kept at all. This is a matter of institutional policy and/or state regulation. The records may be handwritten or in the form of print, magnetic tape, film or some other medium. FERPA coverage includes records, files, documents, and data directly related to students. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

What documents can be removed from an educational record before the student views the record?

a) Any information that pertains to another student.
b) Financial records of the student’s parents.
c) Confidential letters of recommendation which were placed in education records of a student prior to January 1, 1975.
d) Some confidential letters and statements of recommendation placed in education records of a student after January 1, 1975, under conditions described in FERPA section 99.12.

Reference items found in Federal Register, Vol. 65, No. 130 Part V, Department of Education 34 CFR Part 99 Family Educational Rights and Privacy; Final Rule

You may view this information on the Internet at the following sites:


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