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## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)**

### **The Purpose**

The Family Educational Rights and Privacy Act of 1974, most often referred to as FERPA, deals specifically with the education records of students, affording them certain rights with respect to those records. For purposes of definition, education records are those records which are:

1. Directly related to a student and
2. by an institution or a party acting for the institution.

FERPA gives parents and students who reach the age of 18 the right to inspect and review their education records. Furthermore, parents and students have other rights, including the right to request amendment of records and to have some control over the disclosure of personally identifiable information from these records.

### **The Policy**

Florida Agricultural and Mechanical University Developmental Research School (FAMU DRS) shall comply with the Family Educational Rights and Privacy Act (FERPA, also known as the Buckley Amendment) – 20 U.S.C. ~ 1232g – of 1974, which gives enrolled students the right to:

1. Review and inspect their education records;
2. Challenge and seek to amend education records that the student believes are inaccurate or misleading;
3. Consent to disclosures of personally identifiable information contained in their educational records, except to the extent that FERPA allows disclosures without consent; and
4. Complain to the U.S. Department of Education concerning alleged violations by FAMU DRS of any such rights.

Pursuant to FERPA requirements, some personally identifiable student information, designated by law as “directory information,” may be released to third parties by FAMU DRS without prior consent of a student unless the student files a written request with the FAMU DRS Registrar to restrict directory information access.

FAMU DRS has designated the following as directory information:

- The name of a student who is in attendance or who has been in attendance
- The local, home address of a present or former student
- The telephone number of a present or former student
- Date and Place of Birth of a present or former student
- Dates of attendance
- Participation in Officially Recognized activities and sports
- Weight and height of athletes
- Diplomas, certificates and academic honor awards received and pertinent dates
- Most recent previous educational agency or institution attended



The following information is not considered directory information and may not be released or disclosed in any way (except to a school official with a legitimate interest, or to a third party with signed and dated consent from the student or former student):

- Student Identification Number
- Social Security Number
- Ethnicity/Nationality
- Gender

An enrolled student may select Privacy (refuse to permit disclosure of “directory information”). To do so, the student must notify the Registrar in writing if he/she refuses to permit FAMU DRS to disclose such information. FAMU DRS will not release any further disclosures of directory information about the student without the student’s prior written consent except to the extent authorized by FERPA or other State or Federal laws.

All custodians of a student’s education records and all University employees/agents shall comply with FERPA and follow strict practice that information contained in a student’s education record is confidential and shall not be disclosed without the prior written consent of the student except as otherwise provided by FERPA. FERPA exceptions are outlined in the policy and procedures herein.

Regarding the disposition of records held pertaining to a deceased student, in accordance with FERPA, it is the policy of FAMU DRS that the privacy interests of an individual expire with that individual’s death.

FAMU DRS publishes annually a notice of primary rights for enrolled students.

All FAMU DRS employees who manage or have direct or indirect access to student education records are held responsible for reading and understanding the policy. Furthermore, all employees who manage or have direct or indirect access to student education records are responsible for following security practices established by the FAMU DRS.

### **Legitimate Educational Interest**

School officials shall have access to student education records for legitimate educational purposes when a need to know has been demonstrated by those officials who act in the student’s educational interest. This includes faculty, administration, student employees, clerical and professional employees and other persons who manage student records information. Any school official who needs information about a student in the course of performing instructional, supervisory, advisory or administrative duties has a legitimate educational interest.

### **Exceptions to Student Consent for Release of Records**

All custodians of a student’s education records and other School employees/agents may not disclose student information to third parties without the student’s prior written consent except as provided in this section:



# Florida Agricultural and Mechanical University

## FAMU Developmental Research School

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- Under the following circumstances, University officials may make disclosures of personally identifiable information contained in the student's education records without the consent of the student:
    - a) To officials of another school or district where the student seeks or intends to enroll on the condition that the institution makes a reasonable effort to inform the student of the disclosure unless the student initiates the transfer.
    - b) To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at the School supported by federal or state funds.
    - c) To an individual or organization under written contract with the School or FLDOE for the purpose of conducting a study on the School's behalf for the development of tests, the administration of student aid, or the improvement of instruction.
    - d) To an outside contractor who is a "party acting on behalf of the School and is performing a service which the School would otherwise have to perform for itself.
    - e) To accrediting organizations to carry out their accrediting functions.
    - f) To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. The School will make reasonable effort to notify the student before the disclosure – unless otherwise noted by the judicial document.
    - g) The result of a disciplinary proceeding may be released to the victim on the student's crime of violence.
    - h) To comply with an ex parte order from the Office of the Attorney General (or designee).
    - i) To state or local officials in compliance with state laws adapted prior to November 19, 1974.
  
  - University officials are authorized to make necessary disclosures from student education records without the prior consent of the student in a health or safety emergency if the University official deems:
    - a.) The disclosure to be warranted by the seriousness of the threat to the safety or health of the student or other persons; or
    - b.) The information disclosed is necessary and needed to meet the emergency; and
    - c.) Time is an important and limiting factor in dealing with the emergency.

All requests for disclosure under the above circumstances, where the University may disclose personally identifiable information without the student's prior consent to third parties other than its own officials, will be referred to the Registrar or the appropriate records custodian.