

# FERPA Best Practice for Electronic Communication

While FERPA itself is technologically neutral, it is left to the institution to develop its own policies and best practices for the use of technology. FERPA laws then apply to the official policies created by the institution.

## Definitions:

- The Family Educational Rights and Privacy Act of 1974 outlines the following student rights:
  - The right to see educational records the school is keeping on the student within 45 days of the request.
  - The right to seek amendment to those records.
  - The right to consent to any disclosure of those records.
  - The right to obtain a copy of the school's Student Records policy.
  - The right to file a complaint with the FERPA office in Washington, D.C.  
(<http://www.ed.gov/policy/gen/guid/fpco/index.html>)
- Student - Anyone attending an institution, regardless of age, during the attendance period defined by the school, for whom records are maintained
- Student Record - Any information or data recorded *in any medium*. This includes, but is not limited to, registration forms, transcripts, grades, student schedules, class assignments evaluated by faculty, class rosters, any paper with the student's ID on it, or student information displayed on your computer screen.
- Educational Record – Any item directly related to a student and maintained by an educational agency or institution
- School Official - Members of an institution acting in the student's educational interest within the limitations of their "need to know" – You, as a front-line employee!
- Directory Information – What the institution has defined as information that can be released without permission from students. LC has designated the following as directory information: the student's name, addresses, telephone number, email address, student ID photos, major field of study, school, classification, participation in officially recognized activities and sports, weights and heights of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other information that would not generally be considered harmful or an invasion of privacy if disclosed.

Students do not have a right to see:

- Confidential letters and recommendations placed in the student's file before 1/1/75
- Confidential letters, etc. associated with admissions, employment, job placement or honors to which a student has waived rights of inspection and review
- Educational records containing information about other students such as grades, test scores, etc.
- Financial information submitted by parents

### **Best Practice for Electronic Communication:**

- All non-directory information should be transmitted by email only through the official Louisiana College email account.
- Louisiana College can be held accountable if an unauthorized third party gains access, in any manner, to a student's educational record through any electronic transmission method.
- Emails should be limited to communication between the school official and the individual student, or between school officials with a 'legitimate educational interest' in the student about whom the email is concerned.
- No information about a particular student should be included in an email sent to all members of a class or organization in which that student participates.
- You should always use the institution email address to communicate with students from your official institution email account (part-time faculty is also required to use institutional email).
- It is permissible to communicate about educational records, including grades, ONLY through the student's institutional email account.
- When emailing a group of students, put the students' email addresses in the BCC column or develop a distribution list for each class (still use the BCC column).
- Place a statement in the Subject line or body of external email communications that states: "Under FERPA, this email is intended only for (Student's Name).
- Always use a student's college email account. Students can forward this email to another account, but in so doing, they remove the information from the school protected server and assume liability for the content of the email at that point.
- Keep a record of all communications during a term as a record of compliance. Keep in mind that if you choose to use a personal device to communicate (e.g., cell phone, personal laptop computer) you may be asked to provide work related documents produced and stored on your personal device(s) in a public records request.
- Never post grades or comment in an evaluative manner about course performance in spaces external to the password protected course system (Portal).

### **Resources:**

- THE AUTHORITY: Family Policy Compliance Office website:  
<http://www.ed.gov/policy/gen/guid/fpc/index.html>
  - sample forms, library, recent updates, regulations
  - 202-260-3887 (Telephone) 202-260-9001 (Fax)
  - FERPA@ed.gov (informal requests for technical assistance)
- <https://www2.ed.gov/policy/gen/guid/fpc/pdf/ferparegs.pdf>
- [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/Identity\\_Authentication\\_Best\\_Practices\\_0.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Identity_Authentication_Best_Practices_0.pdf)
- <https://help.remind.com/hc/en-us/articles/207536366-How-does-Remind-help-schools-comply-with-FERPA->
- <https://blog.admithub.com/texting-and-privacy-laws-what-schools-must-know-when-texting-students>
- <https://er.educause.edu/articles/2014/2/is-your-use-of-social-media-ferpa-compliant>