



## FERPA Questions (Faculty) 3-1-2016

1. If a student is displaying odd behavior in class, may I inform other professors? Or may I ask other professors if the student is displaying the same behavior?  
No - if the student is exhibiting odd behavior that is disruptive (a Code of Conduct violation), contacting the Dean of Students Office is the appropriate response. If the student's behavior is simply "odd" (but not disruptive), contact the Strategies of Behavioral Intervention (SOBI) team.
2. If a student informs me that they are on medication for a mental disorder or have a mental disorder, may I inform other professors? Or may I ask other professors have the students informed them of this?  
No - contact the ACCESS Office.
3. If a student informs me that they have an illness that might cause them to have seizures, may I inform their other professors so they can be prepared?  
No - contact the ACCESS Office.
4. I teach Dual Credit. With whom at the high school campus can I discuss a student's grades/academic progress/behavior issues? Since the student is in high school, can I discuss the issue with the students' parents?  
An institution may release non-directory information without the consent of the student to "School Officials" with a "legitimate educational interest"/"need to know" – if you need to discuss grades, academic progress, or behavior issues regarding a dual credit student, please contact the Associate Dean for Recruitment and Programs for New Students, Sabrina Belt or one of the Collin College Special Admissions Coordinators. They will then contact the correct dual credit contact at the high school level, if needed.

For question two regarding the parents... see the answer for #5 below.
5. If a student is a dependent of their parents, can I inform the parents of the student's grades, test scores, absences, etc. How do I know if a student is a dependent of their parents?  
The following four statements summarize FERPA regarding parental access to their child's records:

  - When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student.
  - Parents may obtain DIRECTORY INFORMATION at the discretion of the institution.
  - Parents may obtain NON-DIRECTORY INFORMATION (grades, GPA, etc.) at the discretion of the institution
    - 1) by obtaining a signed written consent from the student,
    - 2) by submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form.

Note: An institution is NOT required to disclose information from the student's education records to any parent of a dependent student. It may, however, exercise its discretion to do so. When access is granted, based upon demonstration of dependency, the file should note that the determination to authorize access was based upon the appropriate documentation.

NOTE: As a faculty member, it is best if you have the student present with the parent to request grades, test scores, attendance issues, etc. That way the student can ask for the information with the parent present and no violation of FERPA will be made.
6. If I believe that two students are in collusion, can I inform both students that I am sending them to the Dean of Students? If a student asks me am I sending the other student's name to the Dean of Students, what can I say?  
Yes, you may tell the students individually that you have reported the alleged behavior to the Dean of Students Office. Simply tell the students that you will not discuss another student's situation.
7. If I return tests in class and by mistake give to Student B a test with a grade belonging to another student, have I violated FERPA?  
Yes – it is a violation of FERPA for a student to see another student's grade.

8. If I place tests on the table and have students to go through to pick up their tests, have I violated FERPA?

Yes – this would be a violation of FERPA because it is inappropriate for students to have access to other students' information. You cannot leave personally identifiable materials in a public place.

9. Can I post grades/test scores if I create my own system of identification where only I and the student know whom the scores belong to? If I use the students ID Number?

Since grades can never be directory information, it is generally inappropriate to post grades in a public setting. Posting grades/test scores publicly at Collin is greatly discouraged.

According to FERPA, the public posting of grades, either by the student's name, institutional student ID number, or social security number, without the uncoerced written permission of the student, is a violation of FERPA. This includes the posting of grades to a class/institutional Web site and applies to any public posting of grades for students taking distance education courses. Even with the names obscured, numeric student identifier numbers are considered personally identifiable information. FERPA does not prevent an educational institution from posting the grades of students without written consent when it is done in a manner that does NOT disclose personally identifiable information from the student's education record. Thus, while FERPA prevents a school from posting grades by social security numbers, student id numbers, or by names because these types of information are personally identifiable or easily traceable to the students, nothing in FERPA would prevent a school from assigning individual numbers to students for the purpose of posting grades as long as those numbers are known only to the student and the school official who assigned them. It is recommended that such a posted list not be in the same order as the class roster or in alphabetical order.

10. If I talk to another professor about a student that I am having problems with and mention the student's name, have I violated FERPA?

You may speak in generalities (using no identifiers) when discussing student behavior. However, mentioning a student's name in relation to a disciplinary situation does violate FERPA.

11. If a student asks me to write a scholarship letter and the information requires the students' grades, should I have the student put it in writing so as not to violate FERPA? Am I violating FERPA?

Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information obtained from a student's education record is included in the letter (grades, GPA, etc.), the writer is required to obtain a signed release from the student which, 1) specifies the records that may be disclosed, 2) states the purpose of the disclosure, and 3) identifies the party or class of parties to whom the disclosure can be made. Since the letter of recommendation would be a part of the student's education record, the student has the right to read it, unless she/he has waived that right of access. Below is an example of a letter you can use to obtain permission from the student:

I, \_\_\_\_\_, give permission to Professor \_\_\_\_\_ to write a letter of recommendation to:

Name  
Address  
City State Zip

Professor \_\_\_\_\_ has my permission to include my grades, GPA, and class rank in this letter.

I waive/do not waive my right to review a copy of this letter at any time in the future.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

12. Is it a violation of FERPA if I have students peer review and assign grades to other student's works?  
As a general rule, it is not recommended that a student peer review and assign a grade to the work of another student.

Peer review and grading would not be a violation of FERPA if the work is an informal quiz where the grade is not recorded.

The decision of the US Supreme Court in 2002 was that the practice of peer grading does not violate students' privacy rights under FERPA, at least during the initial stage until the teacher collects and records the students' grades.

*Peer-grading (Owasso Indep. Sch. Dist. No. 1-011 v. Falvo, 534 U.S. 426 (2002))*

*A student's grades may not be disclosed to another student without the prior written consent of the parent or eligible student.*

*"Education records" excludes grades on peer-graded papers before they are collected and recorded by a teacher.*

13. If I am discussing a student with my spouse/significant other, is it a violation of FERPA?  
You may speak in generalities (using no identifiers) when discussing a student with another person. However, mentioning a student's name or any other personally identifiable information in conversation does violate FERPA.
  
14. Suppose a police officer asks me about a student i.e. is he/she attending class or were they in class on a specific date, can I give that information to the police officer?  
FERPA does have a provision that allows for college police officers to obtain information about students in the event of a health or safety emergency. Additionally, FERPA requires disclosure to police officers in compliance with judicial orders or lawfully issued subpoenas. If a (McKinney, Frisco, Plano) police officer requests information on a student, please refer them to the Collin College police.
  
15. Many of the faculty do collaborative group work in which students work together as part of a team. Sometimes, they discuss other students' work when discussing the work as a team - would this be a FERPA violation?  
This would not be a violation of FERPA as long as students are speaking in generalities about the group work and no personally identifiable non-directory information is being disclosed.