

## FERPA Information for All Lower Columbia College Staff & Faculty

The Family Educational Rights & Privacy Act (FERPA, [34 CFR Part 99](#)) is a federal law protecting the privacy of student records and establishing the obligations of educational institutions regarding the release of, and access to, student information.

FERPA prohibits schools from disclosing *Personally Identifiable Information* (PII) from *Education Records* without the student's written authorization, except in [specific circumstances](#). For example, disclosure without written consent is permissible when it is directly to the student, to other school officials with a legitimate need, or when the information is "directory information." These terms are all [narrowly defined in the law](#) which can make it difficult to determine when a disclosure is allowed or required.

Any educational institution that receives federal funding is bound by FERPA. Failing to comply with FERPA can lead to the Department of Education withholding all funding, including federal financial aid programs and grants. While no colleges have ever lost federal funding due to FERPA violations, there is an active FERPA enforcement apparatus and [colleges are regularly investigated for violations](#). Violators can also face legal action from students or others, like [WSU's 2017 data breach](#) that resulted in a \$4.7 million settlement.

### What do LCC employees need to know about FERPA?

- If you receive a request for student information from someone other than the student, **you can always say no** and contact Registration. This is important for two reasons:
  - Registration maintains the student forms that both authorize, and restrict, the release of student information. **Without access to these forms, there is no way to know if a student's information can legally be released.**
  - LCC maintains a record of each disclosure, which must be preserved along with the disclosed record in case a student wants to know what we released. Other departments may not be able to maintain records of disclosure to meet FERPA requirements. **If you release information, you are responsible for keeping a record of what you released, when, to whom, why, etc.**
- There are very few situations in which LCC is legally **required** to disclose student information to anyone other than the student. There are **no** situations where it must be provided on the spot in person, over the phone, or via email. FERPA primarily identifies situations in which an institution **may** release information, not that it **must**. It is better to err on the side of caution and refer requests to Registration instead of sharing information with a third party and risking violating a student's privacy and the law.
- If a third-party verification or background investigation company contacts you to verify a student's information, refer them to [www.degreeverify.com](http://www.degreeverify.com). These companies generally know they should use DegreeVerify, but they sometimes try to get around it to avoid being charged a fee. If they refuse or say the information from DegreeVerify was incorrect, they should submit a written request to Registration. *(Note: If a state or federal agency like DSHS contacts you about enrollment/degree verification, have them submit their request via email – they generally have their own forms.)*
- Inadvertently allowing a student's information to be visible to someone other than the student may violate the law. Don't print or send lists unless you really need to, and shred physical copies as soon as you're done with them. Sharing a Google Doc with specific coworkers using Google Drive is very secure, since they have to log in to access it and it can be easily unshared. An email attachment is **not** secure, cannot be unshared, and can easily end up in the wrong place because of typos, forwards, BCC's, etc.
- Report any suspected violations to the registrar, even if you aren't sure it breaks a rule. LCC is required to report violations immediately, and failing to report even a suspected breach can violate the law.

## Directory Information

One of the situations in which student information usually *may* be released without written consent is when the information is “directory information.” Each school decides which data elements are directory information. At LCC, the following directory information can *usually\** be released without a student’s written consent:

- Student’s name
- Major field of study
- Enrollment status
- Dates of attendance
- Participation in recognized sports
- Degree or certificate earned
- Honors

*\* However, FERPA gives students the right to restrict the release of their directory information, in which case no information can be released. Without checking to see if a student has restricted release of their information, you should not release any information, even directory information.*

## Releasing Information with a Student’s Permission

Students can submit a [Release of Information](#) consent form which allows us to share the student’s information with a third party. For a release of information to be valid, it must meet [specific requirements](#). Releases must be retained according to FERPA regulations, sometimes indefinitely, and can expire. Additionally, Washington [Secretary of State records retention policies](#) require LCC to keep a record of every records request, and every disclosure, regardless of whether the student has signed a release of information.

LCC does not yet use ctcLink to track all student releases or directory information restrictions, so some of these records are currently accessible only in Registration. Old records exist throughout the many systems we have used over the last few decades: legacy/SMS, the previous document imaging system, Google Drive, Laserfiche, and ctcLink. In the future, we will convert everything to be tracked consistently in ctcLink, making it easier for employees to access this information and know what to do with it.

*Until all FERPA-related forms, including directory information restrictions and release of information authorizations, are stored in ctcLink, contact Registration for help determining whether and how any information should be released to a person other than the student.*

If you have verified that a valid release is in effect and wish to provide information to an authorized party, you may. However, think carefully about what is in the best interest of the student who authorized the release. In general, releasing the minimum amount of information is best. If the student wants to know what information you released, you will need to tell them. Even if a disclosure doesn’t violate the law, it’s important to protect each student’s privacy for its own sake, just as we expect others to protect ours.

## Want more info?

- A good introduction for new employees is this FERPA 101 class from the US Department of Education: [FERPA 101: For Colleges & Universities](#)
- LCC’s FERPA policy is sent to all students quarterly and is available in the LCC [Academic Catalog](#).
- The Department of Education publishes videos, guidance, posters and other resources on FERPA compliance, including recent guidance specific to e-learning and COVID-19: [studentprivacy.ed.gov/](https://studentprivacy.ed.gov/)

**Protecting student information is everyone’s responsibility. If you have questions about FERPA compliance, recordkeeping, or student privacy, or if you suspect a data breach or security issue, contact Magnus Altmayer in Registration at [maltmayer@lowercolumbia.edu](mailto:maltmayer@lowercolumbia.edu) or 360-442-2372.**