FERPA Training

Office of General Counsel

Office of the Registrar

University of Wyoming

October 2026

What is FERPA?

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- The Family Educational Rights and Privacy Act (FERPA) is a federal law that afford parents the right to have access to their children's **education records**, the right to seek to have the records amended, and the right to have some control over the disclosure of **personally identifiable information** from the education records.
- When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student **("eligible student").**
- Students at UW are "eligible students."
  - FERPA starts on the first day of classes for the student's first semester at UW, regardless of the age of the student
- UW takes a conservative approach to FERPA

Definitions

Education Records

- Education records are records that are:
  - Directly related to a student; and
  - Maintained by an educational agency or institution or by a party acting for the agency or institution
  - Including, but not limited to:
    - Electronic- an email, video conference, internet files, other electronic data
    - Printed
    - Handwritten notes
    - Film, CDs, etc.
    - Graded tests, papers assignments, instructors' grade books

Education Records: Exceptions

- **Exceptions** to education records include:
  - Sole possession records used as a personal memory aid
    - Only kept in the possession of the person who created them
    - Such as notes an instructor or staff member keeps
      - No one else was involved in creating the notes
    - Once shared with someone, or placed in an area where they may be accessed by others, they become educational records and subject to FERPA
  - Law enforcement unit records
    - Kept only for law enforcement purposes
    - Once shared with administrators/ staff/ faculty they become part of the student's educational record
  - Student employment records
    - Unless the employment is contingent upon school attendance, then human resource records are not subject to FERPA

Education Records: Exceptions

- **Exceptions** to education records include:
  - Medical treatment records maintained by the University
    - Directly related to an "eligible student" (remember – one who is 18 or attending the institution) that are made by a professional and only used in connection with the treatment of the student.
    - Can become educational records if provided by student to a committee or to an instructor
    - Disclosure of treatment records are subject to FERPA not HIPAA. Any record subject to FERPA is not subject to HIPAA
    - Disability records are educational records, not treatment records
  - Alumni records
    - Only that information which is acquired during the time the alum was a student remains protected by FERPA as part of the educational record

Personally Identifiable Information (PII)

- Information that when disclosed could identify the person
- PII includes, but is not limited to:
  - The student's name;
  - Name of the student's parent or other family members;
  - Address of the student or student's family;
  - A personal identifier, such as a social security number, student number, or biometric record;
  - Other direct identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
  - Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
  - Information requested by a person who the institution reasonably believes knows the identity of the student to whom the education record relates
- Cannot release this information without prior written consent, except if it is Directory Information

Directory Information

- Directory information is:
  - Information not generally considered harmful or an invasion of privacy if disclosed.
- This information may be given out
- Under the Wyoming Public Records Act, the Office of the Registrar is required to release directory information as requested.

- Includes but is not limited to:
  - Name
  - Local address and phone number
  - Permanent address and phone number
  - College, department, major
  - Dates of enrollment
  - Degrees received
  - Full or part-time status
  - Email address
  - Participation in officially recognized activities and sports
  - Weight and height of members of athletic teams

Students & FERPA

Can students control disclosure of Directory information?

- Yes, students are notified of their right to control the disclosure of directory information in the fall and spring class schedules and the general bulletin.
  - Prohibits the release of personally identifiable information to a third party without written consent
- Students who wish to have access to their directory information restricted must notify the Office of the Registrar in writing
  - They may complete a Confidentiality of Student Records form available in the registrar's office or complete the "Request for Privacy" form found online.
  - Upon receipt of the form a Privacy Flag will be placed on the student's record

Privacy Flag

- A Privacy Flag means that a student's name will not appear in public records requests, and will not be included in any news release (honor rolls, graduation, etc.)
- Information will also not be released to prospective employers, insurance companies, credit agencies, etc.
- If anyone requests information for a student or former student who has a Privacy Flag, UW will respond to the requestor with the following statement: "We do not have any information available on that individual."

Privacy Flag

- While a Privacy Flag may be placed on a student's record at any time, the request must be received in the Office of the Registrar no later than the tenth working day of the fall semester in order to prevent release in public records requests
- Students may remove their Privacy Flag at any time by submitting a signed request to the Office of the Registrar

Other Student FERPA Rights

- Right to inspect and review everything in their record
  - UW must comply with the request within 45 days
  - UW may not destroy records if request for access is pending
- Right to request changes to their educational records and to appeal a decision of the university to not make requested changes
  - UW must decide within a reasonable period of time whether to amend as requested
  - If the university decides not to amend, must inform eligible students of right to a hearing
  - After hearing, if the decision is still not to amend, the student has a right to insert a statement in the record

Other Student FERPA Rights

- Right to consent to any disclosure of those records
- Right to file a complaint with the US Department of Education Protecting Student Privacy Office in Washington, D.C.

What documents does a student **not** have a right to see under FERPA?

- Financial information submitted by parents
- Confidential letters and recommendations placed in student's file before 1/1/1975
- 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.

Faculty/Staff & FERPA

FERPA allows us to:

- Be responsive
  - Reply professionally
- Communicate
  - Discuss policies/ info in University Catalog or public-facing websites
  - Listen to the person's concerns, then investigate and reply to student's UWYO email address
  - University print materials/ calendar of deadlines
- Educate
  - Curriculum requirements
  - Financial aid opportunities
  - Health and counseling services available
  - Judicial process
  - Safety and security issues

Access to Education Records

- Given to individuals within the institution who have a "legitimate educational interest"
  - Legitimate educational interest is typically one that is required for the individual to fulfill their professional responsibility.
- Not to satisfy curiosity
- Not to check up on:
  - Child/ relative
  - Friend
  - Enemy

Grades

- Students' scores or grades may be displayed publicly only if names are obscured and a code known only to the faculty member and the individual student is used (W numbers cannot be used).
  - In no case should the list be posted in alphabetical sequence by student name
- Graded papers or tests should not be left unattended on a desk or in plain view in a public area nor should students sort through them in order to retrieve their own work.
- Grades, transcripts or degree evaluation distributed for purposes of advisement should not be placed in plain view in open mailboxes located in public places.

Class Rosters/ Grade Sheets

- These and other reports should be handled in a confidential manner and the information contained on them should not be disclosed to third parties
- Copies of class rosters containing students' SS#s should not be used in the classroom for attendance taking or any other purpose

Parents

- Parents, spouses and other relations do not have a right to information contained in a student's education record
- You can listen, discuss general policies, investigate and reply to student's UWYO email

Employers

- Employers do not have a right to educational information pertaining to a student.

Letters of Recommendation

- Information about students' grades or grade point averages cannot be included in letters of recommendation without written permission of the student

Banner/ WyoWeb

- Access to the Banner or WyoWeb is not tantamount to authorization to view the data
- Faculty are deemed to be "school officials" and can access data in Banner or WyoWeb if they have a legitimate education interest.
- UW staff members may obtain access if they have a legitimate educational interest.
- A legitimate educational interest exists if the staff member needs to view the education record to fulfill his or her professional responsibility.
- Neither curiosity nor personal interest is a legitimate educational interest

Students' Schedules

- Do not provide anyone with a student's schedule
- Do not assist anyone other than a university employee in finding a student on campus
- Refer such inquiries to the Dean of Students' Office

Lists of Students

- Do not provide anyone with lists of students enrolled in your classes for any commercial purpose
- Requests of this nature should be referred to the Office of the Registrar

Law Enforcement

- Consult with General Counsel and/or Dean of Students

What happens if the University does not comply with FERPA?

- The Department of Education may issue a notice to cease the practice complained of and ultimately could withhold student aid funding
- Depending on the type of record and the nature of the disclosure, other penalties could be imposed

Examples

Examples

- A student's parent calls asking how the student is doing in class.
- Can you release this information?

- No.
  - Even though the person inquiring may be the student's parent, FERPA recognizes students in post secondary education as adults, regardless of age.
  - Note there are exceptions when the student is a "dependent student" as defined in Section 152 of the IRS Code, when there is a health or safety emergency, or a disciplinary violation related to use or possession of a controlled substance and the student is under 21 years old. THESE EXCEPTIONS SHOULD ONLY BE APPLIED WITH CONSULTATION WITH THE OFFICE OF THE REGISTRAR AND/OR THE OFFICE OF GENERAL COUNSEL.

Examples

- A faculty member routinely leaves graded exams and graded coursework in a box outside her office door for students to pick up at their convenience.
- Students are identified by their names and W numbers.
- Is this practice a violation of FERPA?

- Yes.
  - The graded exams and coursework are education records because they are directly related to the student and they are arguably maintained by the faculty member
  - Student names and W numbers are personally identifiable information.
  - It is a violation of FERPA to leave unsecured education records containing personally identifiable information in a public area

Examples

- You receive a telephone call from the Laramie police department indicating that the police are trying to determine whether a particular student was in attendance on a specific day.
- Because the police are in the middle of an investigation, are you allowed to give them this information?

- No.
  - Because the request is from a third party outside of the University, the police should be directed to the Dean of Students' Office, the Office of General Counsel or the Office of the Registrar.

Examples

- An unauthorized person retrieves personally identifiable information about students from a computer that was left unattended.
- Does FERPA apply to information stored on a computer database?

- Yes.
  - Information on a computer screen should be treated the same as printed records.
  - FERPA applies to information stored on any media, including, but not limited to, print, audio, digital, video, electronic, or photographic.

Examples

- You receive a call from the parent of a registered student who has a Privacy Flag.
- The parent wants to know if the student is registered for the current semester.
- Should you release this information?

- No.
  - Since the student has a Privacy Flag, the correct response is, “We do not have any information available on that individual.”

Questions?

UW FERPA Policies and Information:
http://www.uwyo.edu/registrar/ferpa/

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