

# FERPA FOR TEACHING ASSISTANTS:

## Protecting Students' Educational Record Privacy<sup>1</sup>

Suppose the first batch of midterms has come and gone, and now you are ready to return your student's midterm papers. Although it would be easy to just put the papers in a box outside the TA's office or pass the pile of papers around the class and let people pick out their own paper, you know there are guidelines for student privacy and you want to follow them. So can you return papers to students in either of these ways? The answer is no, not according to FERPA, the Family Educational Rights and Privacy Act.

*What is FERPA, anyway?* FERPA is a federal statute enacted by congress in 1974. It is designed to assure students' access to their own educational records and to protect their privacy. FERPA's complexity can be a bit daunting, but if you can navigate some legalese, this handout will be helpful in understanding your responsibilities related to FERPA.

The Family Educational Rights and Privacy Act (FERPA) prohibits disclosure of educational records or personally identifiable information without the express consent of the student.

*But what does it mean to you as a teaching assistant at BYU?* The following FAQs maybe helpful.

### In the Classroom and Course

**Q.** *May I leave graded work outside my office (or the instructor's office) for students to pick up?*

**A.** *No.* It is a FERPA violation to leave graded work where others can view it or to return graded work by having someone other than the student pick it up. For example, you cannot allow students to search through a stack of other students' graded papers to find their own or to pick up work for another student.

#### *What can I do with students' graded work?*

There are several options for returning student work. Here are a few ideas:

- At the beginning of the semester, students can sign a form allowing work to be returned in a common box. (Students who opt out of this arrangement would need another process to retrieve their work).
- Students can submit their work in an unsealed envelop labeled with their name only. The instructor or T.A. can then seal confidential information (e.g., the work with the grade and grader's comments) inside the envelop and leave it out for students to retrieve.
- A secretary or another department worker can return papers from a common stack, provided no student sees another's graded material in the stack.

- Handing back work during class is appropriate as well, provided no student sees another's grade.
- Assignments, term papers, etc., submitted through the Internet can be graded and easily returned confidentially through the Internet.

**Q.** *May I post students' scores or grades?*

**A.** *No.* you may not post scores or grades in such a way that any students' individual performance can be identified by a third party. You cannot post scores by name, Social Security number, or student ID number.

*What CAN I do?*

You may post scores by using a PIN or code created especially for your class and known only to each individual student and you and/or the instructor. However, even this is problematic in a small class or under circumstances in which a third party (including other students in the class) might easily match a student to a grade. For example, even posting grades or scores by PIN but in alphabetical order is inappropriate because it would be easy for someone to match a student to a grade. (That is, everyone would know that Alicia Alvarez's grade was first on the list and that Zachariah Zimmerman's grade was last.)

*What about posting students' grades on a password protected website or in a course management system (such as Blackboard)?*

Grades can be posted in web applications such as Blackboard, etc., if an individual's grades are in a location that only that student can access. If the grades will appear on a page accessible by other students, then it is still a violation of FERPA.

**Q.** *May students evaluate each other's work in class?*

**A.** *Yes,* students may evaluate each other's work in class as long as it has not yet been graded by the teacher.

Before continuing, two common terms in FERPA-speak, "directory information" and "non-directory information," need explanation. BYU has a list of directory information—that is, information that can be released without student consent. Directory information may be provided to others. It includes but is not limited to the following:

- student's name
- address
- e-mail address
- place of birth
- major and/or minor
- dates of attendance
- class standing (sophomore, graduate student, etc.)
- degrees received

Non-directory information, on the other hand, cannot be released to the public without prior student consent. Anything not included in directory information (e.g., grades) is considered non-directory information and cannot be released without the student's written permission.

Since this list may change periodically, for a complete list of what is currently included in directory information, visit <http://saas.byu.edu/registrar/records/ferpa.html#p12>.

*Important: Although releasing directory information without a student's written consent is permitted, if they have not restricted their information, your role as a TA does not include the releasing of information. Any questions about student data should be referred to the appropriate office.*

**Q.** *May I use student work as an example for others?*

**A.** *You may not disclose a student's non-directory information in any public setting without the student's express written consent.* For example, you cannot use a student's work as an example in class if doing so would reveal the student's name or grade on the work. If the work does not have a name or grade, it may be used for an example. Also, you may not use one student's application form as an example in showing others how to fill out a form.

**Q.** *May I speak with another faculty member about a student's work?*

**A.** *You may discuss a student's work with the professor of the course you are TAing.* You may also discuss a student's non-directory information with another teaching assistant or faculty member as long as there is a legitimate "need to know." If discussing a student's work is necessary for the faculty member to perform his/her job (e.g., discussing how to help a common student who is failing), then it is permissible to do so. However, to discuss a student's non-directory information even with other teaching assistants in the same course if there is no legitimate reason (e.g., the student is a common friend or any other non-work related reason) is a violation of the student's rights under FERPA. In fact, it is not a good idea to share with other people that you have any access to other students' non-directory information. Conversely, you should also not seek out access to other students' non-directory information for any reason that falls outside your job responsibilities.

## Parental Rights

**Q.** *What are student's parents entitled to know?*

**A.** *Parents do not automatically have rights to university students' educational records unless they have written consent.* Parents must have a signed release from the student to access any educational information, including progress in a course.

*Can educational information ever be released to a parent or family member without a signed release?*

If the student is a dependent, the parent must show a copy of last year's tax forms claiming the student as a dependent and fill out a form (Dependency Exception Under FERPA, available in the BYU Records Office) to gain access to the student's educational record. The form then becomes part of the student's academic file. [Note: A spouse or any other person can only have

access to a student's record if the student has signed a written release; this includes a family member acting on the student's behalf when the student is on a mission, participating in Study Abroad, etc.]

## Conclusion

In summary, despite FERPA's detailed recitation of rights and sanctions, it is student-friendly, legally necessary, and very important for ethical good practice in higher education. FERPA assists the university in respecting students' privacy by providing specific guidelines about when teachers (and others) can and can't, should and shouldn't share information about students and their academic work.

## Further Questions

If you have other questions regarding the FERPA and its implications for you and the students in your class, contact the *Registrars Office* ([registrars@byu.edu](mailto:registrars@byu.edu)), B-150 ASB, 422-1196, or visit <http://saas.byu.edu/registrar/records/ferpa.html>.

## End Notes:

1. Adapted from the article "Protecting Students' Academic Privacy" in Focus on Faculty, Spring/Summer 2005, Brigham Young University.