

**FERPA FACT SHEET**  
**(FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT – 1974)**

1. Anecdotal notes kept on a student **and** shared within the institution are considered part of a student's education records and are subject to FERPA.

**Exception:** Unless the notes are kept in the sole possession of the maker and have not been created with or shared with anyone else.

**Summary:** Instructors who share anecdotal notes with other instructors, staff, etc., must file these notes in the student's educational file in the Registrar's Office. Instructors who keep such notes solely for their own use do not have to make such notes a part of the student's educational file.

2. PARENT ACCESS TO AN ELIGIBLE STUDEN'S EDUCATION RECORDS

- At the postsecondary level, parents have **no inherent** rights to inspect their son's or daughter's education records. The right to inspect is limited solely to the student (regardless of the student's age). Records **may** be released (including grades) to parents **only if at least one** of the following conditions have been met:

- (a) through written consent of the student specifying the records to be released
- (b) in compliance with a subpoena
- (c) by submission of evidence that the parents declared the student 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. However, it (institution) may exercise its discretion to do so.

3. BIOLOGICAL, CUSTODIAL, AND NON-CUSTODIAL PARENTS

- In cases of divorce, separation, or custody (when only one parent declares the student as a dependent) an institution **may** grant equal access to information from the student's education records to the other parent **unless** there is a court order, state statute, or legally binding document stating otherwise

Note: The institution is **not** required to provide such information to **either** parent. Even if written permission were granted by the student and/or dependent status determined, the institution is under **no** obligation to release education records (grades, etc.) under FERPA.

4. STUDENT PERMISSION TO SEND NON-DIRECTORY INFORMATION (i.e. GRADES) TO PARENTS

- Institutions are **not** required to send grades to parents (or notify parents) – whether the student is a dependent or not
- Institutions who decide to send grades (grade reports) to parents must obtain written permission from the student(s) to do so.

PARENTS' ACCESS TO THEIR CHILDREN'S EDUCATION RECORDS  
ACCORDING TO FERPA – SUMMARY

- When a student reaches the age of 18 **or** begins attending a postsecondary institution, regardless of their age, FERPA rights transfer to the student
- Parents may obtain directory information **only and at the discretion** of the institution. John Brown University includes the following as directory information:
  - name
  - address
  - telephone
  - date/place of birth
  - major field of study and year in school
  - participation in officially recognized sports and activities
  - weight and height of members of athletic teams
  - dates of attendance
  - degrees and awards received
  - the most recent educational agency or institution attended
  - parents' names and address
  - marital status (and name of spouse)
  - religious preference
- Parents **may** obtain non-directory information (grades, etc.) **only at the discretion** of the institution **and after** it has been determined that their child is legally their dependent.
- Parents **may** obtain non-directory information (grades, etc.) if the institution obtains a signed consent from their child specifying the record(s) to be released.

OTHER FERPA ISSUES

1. The posting of grades, either by student name, institution identification number, social security number without the student's written permission is a violation of FERPA.
2. Posting grades (or other education records) to an email distribution list or website by the methods mentioned above in #1 without the student's written permission is a violation of FERPA.
3. Sending an individual student's grade via email is allowed by FERPA; however, the institution would be held responsible for any unauthorized third party gaining access, in any manner, to a student's education record through any electronic transmission method.

Remedy: If an instructor(s) desires to post student/class grades, in any manner described above:

1. Obtain written permission from participating students
2. In a method other than name, student ID number, social security number  
For example, assign random numbers or alpha codes to students that are known only to the instructor and the students and do not post in last name alphabetical order/sequence
3. Do not send grades on a postcard. You may send grades in an addressed, sealed envelope.

