

FERPA Final Exam Answer Key

True/False Section

- | | | |
|------|-------|-------|
| 1. T | 8. F | 15. F |
| 2. T | 9. T | 16. F |
| 3. F | 10. T | 17. F |
| 4. T | 11. F | 18. F |
| 5. T | 12. T | 19. F |
| 6. T | 13. F | 20. T |
| 7. T | 14. F | |

Multiple Choice Section

- | | | | | |
|--------------------|--------------------|--------|--------|--------|
| 21. e ¹ | 33. d | 43c. Y | 44f. Y | 45d. Y |
| 22. d | 34. h | 43d. N | 44g. Y | 45e. N |
| 23. d ² | 35. e | 43e. N | 44h. Y | 45f. Y |
| 24. c | 36. b | 43f. Y | 44i. N | 45g. N |
| 25. a | 37. d | 43g. Y | 44j. N | 45h. N |
| 26. d | 38. d | 43h. Y | 44k. Y | 46a. Y |
| 27. d | 39. c ³ | 43i. Y | 44l. Y | 46b. N |
| 28. d | 40. b | 44a. Y | 44m. N | 46c. Y |
| 29. a | 41. b | 44b. Y | 44n. N | 46d. N |
| 30. a | 42. a | 44c. N | 45a. Y | 46e. N |
| 31. d | 43a. Y | 44d. Y | 45b. N | 46f. Y |
| 32. f | 43b. Y | 44e. N | 45c. Y | 46g. N |

¹ The correct answer would be 45 days.

² Whether he has requested that any directory information not be disclosed, and that items a, b, and c are considered directory information by your institution.

³ Reason for choosing answer c: If a student's home address is not designated as directory information, the institution must obtain each student's written permission to include it in the student directory.

Short Answer, or Your Daily FERPA In-basket—

#1 The student has the FERPA right to review the examination since it meets the definition of “education record,” i.e., personally identifiable to the student, maintained by the institution, and not one of the excluded categories from FERPA.

(Forty-five days have elapsed from the first request to review the record, so the institution is in violation

#2

(a) Yes. At most institutions, this would be considered a valid exercise of “legitimate educational interest.” However, each institution determines what constitutes a legitimate educational interest.

(b) No. This should be part of the annual notification to students required by FERPA.

(c) Yes. Same reason as above—legitimate educational interest.

(d) Yes. Students are notified annually re: legitimate educational interest.

(e) Yes. FERPA does not require any training, but training is strongly recommended for all users of “education records.”

#3

(a) It is probably not a FERPA violation to continue the status quo, but all users need to be trained regarding their responsibilities under FERPA.

(b) “Federal law (FERPA) requires that you have a valid professional reason for viewing this class roll.”

(c) (Open ended.) Given the current situation, the academic administrators should take the initiative and formulate a policy regarding access to the screens and notify everyone of this policy. It is better to have something in writing than to merely make a decision and communicate it verbally to those who need to know.

#4 The lawyer is partially correct. FERPA rights pass to the student at age 18 or when he or she begins attending a college or university. Parents have only those rights of access that the student or institution gives to the parents. [Multiple choice question #45 identifies the three ways that parents can gain access to their child’s records (a, b, c).]

#5 Our institution’s policy is to release student information directly, and only, to students. The only valid ways that we would consider releasing information to you are (1) written permission from the student, (2) proof of your child’s dependency (not applicable in this case since you do not pay federal income taxes and, therefore, you cannot provide a federal income tax return), and (3) a legally issued subpoena itemizing the specific information you wish to review.

#6 FERPA only requires institutions to provide access to education records. It does not require that you make copies of any records unless geographic distance of more than 50 miles precludes personal inspection. Professional courtesy and the fact that another institution’s records on that student may have changed are two reasons for not copying other institutions’ transcripts for students.

#7 Dependency, legal guardianship, written permission of the student, emergency situation—probably give to the mother after her submission of legal guardianship papers. Of course, obtaining the student’s written permission, if at all possible, has the highest priority.

#8 Yes. This is not, in your mind, a valid exercise of legitimate educational interest, and you should call the dean after denying access to the faculty member. Grades are independent evaluative judgments made by a faculty member regarding a student's performance in one class. They should be assigned without any intervening external variables, such as past academic performance.

#9 It is permissible. You have the student's written permission to release the transcript to the spouse, and that is what FERPA requires. You do need to verify that the signature is the student's. You may, however, deny the release to the wife if your policy indicates release to the student only or if you question the signature of the student

#10 First question—does the agent have a signed release (written permission) from the student indicating that the agent can see the records requested?

If "yes," the food services manager may provide the information to the agent, although FERPA does not require it.

If "no," the food services manager should not release the information (work-study employment records are subject to FERPA).

#11 No. The student has placed a non-disclosure on this information, and you are honoring this request. (This actually happened.)