



NATIONAL ALLIANCE OF  
**CONCURRENT ENROLLMENT**  
PARTNERSHIPS

# **Navigating FERPA when working with Concurrent Enrollment Programs**

**Hosted by**

**Ohio Alliance of Dual Enrollment Partnerships (OADEP)**

**July 19, 2016**

*advancing quality college courses in high school*

# Presenters

## **Dr. Timothy Dorsey, Cuyahoga Community College**

He is the Director of Enrollment Management at Cuyahoga Community College (Tri-C) in Cleveland, Ohio. Under the role of Director of Enrollment Management, he leads the college's dual enrollment program -College Credit Plus. The purpose of this program is to promote rigorous academic pursuits and to provide a wide variety of options to college-ready students in grades 7-12. Tim is also president of the OADEP.



## **Brad Myers, Ohio State University**

He is the University Registrar, Executive Director, of Enrollment Services at Ohio State University. He is an attorney by background so has a natural interest in FERPA and other legal issues in higher education. He is a past president of AACRAO (American Association of Collegiate Registrar and Admissions Officers), and has written and presented extensively on FERPA.



# FERPA 101

Family Educational Rights and Privacy Act of 1974, as amended

## Applicable State Laws

- Relationship between State Open Records Laws and FERPA.

## Background/Fundamentals

- Passed in 1974; amended several times since then.
- Designed to protect the privacy of education records and to provide information to parents (primary/secondary education) or to students (higher education).
- Concept of “ownership” of student records between primary/secondary education and higher education.
- Role of the institution.
- Intended that the “owners’” rights be broadly defined and exceptions narrowly construed.

# FERPA 101

## Key Definitions

### Eligible Student:

- 18 years of age or enrolled in higher education.
- Must be enrolled.

### Education Records - anything related to the student and maintained by the institution/agent (broadly defined) with exceptions (narrowly defined):

- Records in the sole possession of the maker.
- Law enforcement records.
- Employment records.
- Medical/psychological treatment records.
- Alumni records.

**Directory Information** - information not considered harmful or an invasion of privacy if disclosed.

**Parent** - either parent.

# FERPA 101

## Five Basic Rights of Students

1. Inspection and review of their records.
2. Amend an incorrect record.
3. Consent to disclosure (with exceptions).
4. File a complaint with DOE.
5. Obtain a copy of the institution's policy.



# FERPA 101

## Right to consent to disclosure

Must have a signed release. Note: use of e-signatures.

When is prior consent not required? (may release, but not required)

- Legitimate educational interest - “need to know.”  
Note: Broader definition of “school officials,” including contractors/agents.
- Disclosure to another institution where student seeks to enroll or is enrolled.
- Disclosure to DOE, state/local education authorities conducting an audit, evaluation, or enforcement of education programs.
- Disclosure to state/local officials in conjunction with legislative requirements.
- Disclosure in connection with the receipt of financial aid.

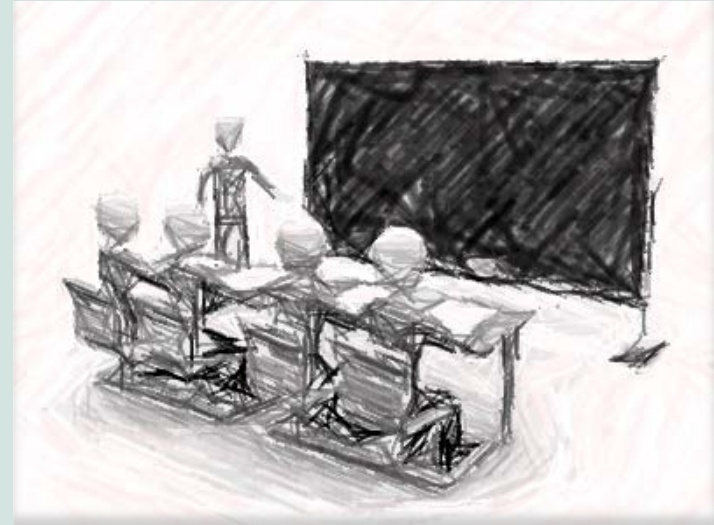
# FERPA 101

## When is prior consent not required? (cont.)

- Disclosure to parents of dependent students.
- To comply with a judicial order or lawfully issued subpoena.
- Disclosure for health/safety emergency.
- Disclosure of Directory Information – note “N” release requirement.
- Disclosure to the alleged victim, information from disciplinary proceedings.
- Disclosure to parents of any student under the age of 21, a violation of Federal, State, local or institutional laws/regulations related to substance abuse.

# FERPA and Concurrent Enrollment

1. FERPA applies regardless of where the course is taught
2. FERPA applies even when a high school teacher is instructing the course in partnership with an IHE.
3. In general, for a student in higher education, releasing student records information is the student's right- not that of the school district of parents





# FERPA at the High School

## SCENARIO ONE

School district has an online grade portal and provides access to parents. If the concurrent teacher enters grades into the portal – is this violation of FERPA?

# FERPA at the High School

DEPENDS.....

Yes...if the student does not a waiver on file with the Institution of Higher Education

No...if the student has submitted a release form with the parents' name on it

# FERPA at the High School

## SCENARIO TWO

A concurrent enrollment teacher conducts parent-teacher conferences at the high school. Is this a violation of FERPA?



# FERPA at the High School

Depends...

- If the student attends conference and provides permission to share the academic record – NO
- If parent(s) attends without student and no FERPA release form is on file – YES
- If a parent attends the conference without student and student completed a release form- NO

# FERPA at the High School

## SCENARIO THREE

A concurrent enrollment teacher shares academic information with the high school counselor. Is this a violation of FERPA?



# FERPA at the High School

NO.....

Academic records between the Institution of Higher Education and the high school can be shared.

## Future NACEP Events:

**July 31<sup>st</sup>:** Early Bird National Conference Deadline

**August 3:** Faculty Series Webinar: Ongoing Professional Development for Concurrent Enrollment Instructors

**August 31<sup>st</sup>:** Surviving the NACEP Accreditation Process Webinar

**September 20<sup>th</sup>:** Tackling Concurrent Enrollment as a Small Program Webinar (Hosted by MNCEP)

