

FERPA & ELECTRONIC COMMUNICATION F.A.Q.s

Why should I care about FERPA?

If you are employed by Louisiana College and have access to student education records, you are obligated to comply with FERPA and to protect those records according to law. The policies outlined in this document are not just Louisiana College policies; they are Federal Law.

What are education records?

Education records are directly related to a student and maintained by an institution or its agent or by a party acting for the institution or agency. Education records can exist in any medium including email, computer files, computer screen display, paper documents, printouts, tapes, disks, film, and microfilm/microfiche, among others. Education records include such things as graded papers, exams, transcripts, notes from a conversation with or about a student that are placed in a student's file for others in the department to reference. Education records DO NOT INCLUDE such things as:

- sole possession records, i.e., records/notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person
- peer-graded papers before the instructor has collected them
- submitted assignments
- medical treatment records that include--but are not limited to--records maintained by physicians, psychiatrists, and psychologists
- employment records unless employment is based on student status
- law enforcement unit records
- alumni records

What is directory or public information?

FERPA provides the university the ability to designate certain student information as "directory information." Directory information may be made available to any person without the student's consent unless the student gives notice as provided for below. LC has designated the following as directory information: the student's name, addresses, telephone number, email address, student ID photos, major field of study, school, classification, participation in officially recognized activities and sports, weights and heights of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other information that would not generally be considered harmful or an invasion of privacy if disclosed.

What is personally identifiable information?

According to FERPA, personally identifiable information in an education record may not be released without prior written consent from the student. Some examples of information that MAY NOT BE RELEASED without prior written consent of the student include:

- Social Security number
- grades/exam scores
- Grade Point Average (GPA)
- current class schedule
- parent name and address
- race/ethnicity
- gender
- country of citizenship
- religious affiliation
- disciplinary status
- marital status
- test scores (e.g., SAT, GRE, etc.)

Louisiana College will not release personally identifiable information from a student's education record without the student's prior written consent. Even parents are not permitted access to their son or daughter's education records unless the student has provided written authorization.

Can I use a student's personal email address to correspond with a student?

So much of our work has been improved by the use of technology, and both the ease and the speed of email make it a very appealing communication choice. However, users should exercise extreme caution in using email to communicate educational information and should not assume that email is private and confidential. It is especially important that users are careful to send messages only to the intended recipient(s). You should correspond only to the student's official @lacollege.edu email address.

A student emailed me about an assignment using his personal email address? How should I respond?

First be sure the email does not contain sensitive, personally-identifiable information like social security numbers, grade or exam score information, or information related to a student's current class schedule. Sensitive information should not be sent via email, as no email is completely secure. Best practice is to send the reply to the student's official Louisiana College email address, then reply to the personal email stating you sent the reply to the student's official school address.

A student asked me to communicate with them using their personal email address because she has never been able to get her @lacollege email address to work. Can I do this?

No. That student should be directed to contact the IT department for assistance in accessing his or her official Louisiana College email.

My students have to upload large files like video assignments whose size prohibits transmission by @lacollege email. How can I collect these files from students?

Most likely these files contain educational information and should not be transmitted via email. Files of this nature should be uploaded securely. Instructors may choose to use tools such as BOX or DROPBOX to collect these files, or can utilize Google Classroom if the student has a GSuite account set up.

Does FERPA govern Videotapes, Photographs and Online Information?

Yes. When created and kept by the school or educational agency, videotapes or photographs directly related to specific students are considered part of that student's educational record. Information on the Internet is treated in a similar way. Posting information is considered disclosure and must, therefore, comply with FERPA guidelines. Even without FERPA, school officials should consider safety concerns and exercise caution when displaying information (such as identifiable pictures) about students on the Internet. If a video is an assignment it is part of the student's educational record and should be transmitted only through secure means.

May I email or text students their grades or other student information?

Email and text systems are not private. Because messages sent via email or text may be forwarded across many systems before reaching their destination, and because standard maintenance of computer systems may unintentionally capture messages, emails or texts may be read by others than those to whom they are addressed. Also, a person could send you an email or text claiming to be someone they are not. Therefore, it is recommended that you only use email or text to convey student information if your student has sent you an individual email requesting this information, you are certain that the email is from the individual whose information is being sought (this means it must be through the official school email), and you respond to his/her individual email.

Can I connect with my students via text message?

Text systems are not private (see above question). Therefore, it is recommended that you only use texts to convey information if your students sent you an individual text requesting this information, you are **certain** that the text is from the individual whose information is being sought, and you respond to his/her individual text.

There are three main areas of concern to address when connecting with students using text message: (1) *Does the instructor wish to release his or her personal cell phone number to the student?* If not, services such as Remind or GroupMe can be utilized. (2) *Is the information to be transmitted FERPA protected?* If so, text message should not be used. Ever. Period. (3) *Can the identity of the recipient be verified?* Phone numbers can change, and often do so without notice. It is crucial that the instructor be able to verify the identity of the recipient of the message. This is difficult to do with text messages, and, due to varying methods of message display, confidentiality cannot be guaranteed.

We were asked to collect the private email addresses of our students earlier this semester. Why were we asked to collect them if we cannot use them?

You were asked to collect this information for use in the event of an emergency situation during which the Louisiana College email account server has been damaged or is not functional, meaning students will have no access to their official Louisiana College emails. See the **LC CONTINUITY OF OPERATION PLAN** for more information. It can be found on the faculty page of the portal under Academic Affairs Documents.

Resources:

- THE AUTHORITY: Family Policy Compliance Office website:
<http://www.ed.gov/policy/gen/guid/fpc/index.html>
 - sample forms, library, recent updates, regulations
 - 202-260-3887 (Telephone) 202-260-9001 (Fax)
 - FERPA@ed.gov (informal requests for technical assistance)

- <https://www2.ed.gov/policy/gen/guid/fpc/pdf/ferparegs.pdf>

- https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Identity_Authenticati_on_Best_Practices_0.pdf

- <https://help.remind.com/hc/en-us/articles/207536366-How-does-Remind-help-schools-comply-with-FERPA->

- <https://blog.admithub.com/texting-and-privacy-laws-what-schools-must-know-when-texting-students>

- <https://er.educause.edu/articles/2014/2/is-your-use-of-social-media-ferpa-compliant>