Navigating FERPA when working with Concurrent Enrollment Programs

Hosted by Ohio Alliance of Dual Enrollment Partnerships (OADEP)

July 19, 2016
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.
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 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.
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
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
SCENARIO THREE
A concurrent enrollment teacher shares academic information with the high school counselor. Is this a violation of FERPA?
Academic records between the Institution of Higher Education and the high school can be shared.
Future NACEP Events:

**July 31st**: Early Bird National Conference Deadline

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

**August 31st**: Surviving the NACEP Accreditation Process Webinar

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