Q: What is FERPA?
The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. When a student is 18 or attends a school beyond the high school level, the rights to a student’s educational record transfer from the parent to the student, regardless of age.

Q: What does FERPA govern?
Access and release of information of the student’s educational records.

Q: What does FERPA require for colleges to be in compliance?
- Notify students annually of their rights;
- Protect students’ rights to inspect and review their education records;
- Protect students’ rights to request to amend their education records;
- Protect students’ rights to limit disclosure of personally identifiable information contained in education records;
- Ensure that third parties do not disclose personally identifiable information;
- Keep records of requests and disclosures of student education records.

Q: Who has FERPA rights at the postsecondary level?
All currently enrolled students, regardless of the age, including continuing education students, students auditing a class, and distance education students; and former students.

Q: Who may access personally identifiable information without the student’s consent?
Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:
- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Q: Who handles off-campus inquiries, including inquiries from parents?
The Records Office provides official verification of student educational information including general requests and all requests made by subpoena. Law enforcement inquiries should be directed to the Campus Police Office or to the Office of the Vice President of Student Services.

Q: What is Directory Information?
Schools may disclose, without consent, “directory” information defined as, “information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.” Personal identifiers, such as student ID numbers or social security numbers, race/ethnicity, gender, religious preference, grades and GPA can never be designated as directory information.
Q: What is Directory Information? (continued)
Cuesta College has identified the following elements as directory information:

- Student’s Name
- Major of Study/Program
- Photograph
- Degrees/Certificates and awards received by students (including honors, scholarship awards, athletics awards)
- Participation in officially recognized activities/sports including weight, height and high school of graduation of athletic team members
- The most recent educational agency or institution attended
- Student ID number used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Q: What is a Directory Hold?
Students may request that Directory Information may not be released to outside parties without their consent when they apply online to Cuesta or come in-person to the Admissions Office. A “confidential” flag will appear in the student’s records in the Banner system. Directory information may not be given out for students who have the Directory Hold in place. Do not release any additional information beyond directory information to any party beyond Cuesta College staff and faculty without written consent of the student.

Q: How do faculty provide students’ grades under FERPA?

- The posting of grades either by the student’s name, institutional student identification number, or social security number without the student’s written permission is a violation of FERPA. This includes the posting of grades to a class/institutional web site and applies to any public posting of grades for students taking distance education courses. Even with names obscured, numeric student identifiers are considered personally identifiable information. Therefore, the practice of posting grades by social security number, a portion of it, or student identification number violates FERPA.
- Instructors and others who post grades must use a system that ensures FERPA requirements are met. This can be accomplished either by obtaining the student’s uncoerced written permission to do so or by using code words or randomly assigned numbers that only the instructor and individual student know. The order of posting may not be alphabetical.
- The best method for students to obtain their grades is through Cuesta’s secured student information system, myCuesta, where faculty electronically posts their grades and students view their grades via a secure network ID and password.
- Grades are available in myCuesta the Monday prior to the start of the following term.

Q: Does FERPA effect E-mail Communication?
Faculty must protect their students’ contact information at all times. E-mail distribution lists must be created carefully so that the e-mail addresses are not revealed. This can be accomplished by placing email addresses in the “blind copy” (Bcc) field.

E-mail addresses may only be shared when:
1) each student has had an opportunity to request that their e-mail not be shared; and
2) the faculty member does not share the e-mail address of a student who has requested non-disclosure.
Q: Does FERPA impact course websites?
Distance education and the use of web sites to support courses taught through distance education are held to the same FERPA standards. Only Directory information may be available on a public web site. A student’s “block” of directory information must be recognized and their information may not be included.

Q: What about printed documents?
Documents, such as rosters and sign-in sheets, which have the student’s Cuesta ID number or other personal information, should not be left out for others to see. It is important to destroy or shred documents containing students’ personal information that are no longer needed.

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