



FERPA Essentials

Family Educational Rights and Privacy Act

Protecting Student Information at NCCU

NCCU FACULTY & STAFF TRAINING

Office of Legal Affairs



NCCentral
UNIVERSITY

By the end, you should be able to...

Identify

what FERPA protects and when the law applies.

Recognize

common campus situations that raise FERPA concerns.

Decide

when student information may be disclosed.

Pause

when Legal Affairs, the Registrar, or another office should be consulted.

Training Goal

You do not need to become a FERPA expert today. You do need to recognize when a FERPA issue may be present.

FERPA Began As A Student Privacy Law

A federal framework for access, amendment, and disclosure of education records.



1974

FERPA, originally known as the Buckley Amendment, became the federal student privacy law governing education records.

Today

At NCCU, the practical question is whether student information may be accessed, used, or disclosed.

FERPA Gives Students Control Over Education Records

Control disclosure

Students generally control when personally identifiable information from education records is released.

Inspect and review

Students have the right to inspect and review their education records.

Request amendment

Students may seek correction of records they believe are inaccurate, misleading, or violate privacy rights.

Practical takeaway

Student education information generally belongs to the student, not to parents, employers, or outside requesters.

Understanding FERPA at NCCU

Federal Law

Family Educational Rights and
Privacy Act
20 U.S.C. § 1232g
34 C.F.R. Part 99

NCCU Regulation

REG 10.04.1
Family Educational Rights and
Privacy Act (FERPA) Regulation

Applies To

Educational institutions that receive
funds under programs administered
by the U.S. Department of
Education.

Plain-English Rule

If NCCU maintains student information as part of an education record, pause before disclosing it.

FERPA Covers Current And Former NCCU Students

Covered individual

Any individual who is or has been in attendance at NCCU.

- Attendance includes in-person enrollment.
- Attendance can also include correspondence, videoconference, internet, or other distance formats.
- Once a person becomes an eligible student, FERPA rights belong to the student.

Practice point

Do not assume FERPA is limited to students currently sitting in a classroom.

FERPA Rights Belong To The Eligible Student

Rights transfer

FERPA rights transfer from parents to the student when the student turns 18 or enters a postsecondary institution.

Student rights include

- Inspect and review records
- Request amendment
- Consent to disclosure, unless an exception applies
- Receive annual notice of rights

Parent access is limited

Parents do not receive automatic access because they pay tuition. Consent or a FERPA exception must apply.

Students Have A Right To Inspect And Review Records

45 days

NCCU must provide an eligible student an opportunity to inspect and review education records within 45 days after receiving the request.

- FERPA is not only about refusing disclosure.
- It also protects a student's right to access their own education records.
- Requests should be routed through the appropriate University process.

Four Questions Solve Most FERPA Issues

- 1 Is the person a student or former student?
- 2 Is the record an education record?
- 3 Does the information identify or reasonably identify the student?
- 4 Is disclosure permitted by consent, directory information, or an exception?

The Two-Part Education Record Test

1. Maintained by NCCU

The record is kept by the University or by someone acting for NCCU.

2. Directly related to a student

The record is connected to an identifiable student.

Common education records include

- Transcripts, exams, papers, and grades
- Financial aid and student account records
- Disciplinary and admissions records
- Student-related photos, emails, and unofficial files

Rule of thumb

If NCCU keeps it and it relates to an identifiable student, treat it as protected.

Protected Student Information Includes PII

FERPA protects personally identifiable information from a student's education record.

Direct identifiers

Name
Social Security number, in whole or in part
Banner ID or student ID number

Academic information

Grades
GPA
Academic standing
Financial, disciplinary, or enrollment information

Linked or linkable details

Race, gender, citizenship, religion, or other details when tied to an identifiable student record

Do not confirm, deny, or verify whether an SSN or partial SSN is correct. If information identifies a student or can reasonably be linked back to one, treat it as protected.



Prospective Student Information May Still Be Confidential

Important distinction

FERPA generally applies when a student has officially registered and enrolled. Admissions information can still be confidential under North Carolina law.

N.C.G.S. § 132-1.1(f)

Personally identifiable admissions records maintained by UNC constituent institutions are confidential and not subject to public disclosure.

Practice point

Do not assume applicant information is public simply because FERPA has not yet attached.

Public Information Still Requires Care

- FERPA does not automatically apply just because information mentions a student.
- Information may fall outside FERPA if it is publicly available, shared publicly by the student, or not maintained by NCCU as part of a student record.
- **NOTE** If NCCU maintains that same information in a student-specific file, email, report, disciplinary matter, or account record, FERPA may still apply.

Ask this

Is NCCU maintaining the information as part of a student record?

Example Is It An Education Record?

Academic transcript

Yes
Maintained by NCCU and directly related to a student.

Housing record

Yes
Student-specific institutional record.

Disciplinary file

Yes
Maintained by NCCU and related to student conduct.

Professor's private notes

Usually no
Sole possession record if private and not shared.

Teaching point

The first three are institutional records. A professor's private memory aid is different if it is kept solely for personal use and not shared.

School Official Does Not Mean Automatic Access

A school official may include

Employees, agents, officers, committee members, certain contractors, and other institutions when a student seeks or intends to enroll.

Access still requires

A legitimate educational interest connected to the person's official University responsibilities.

Plain-English Rule

A University role can open the door, but legitimate educational interest decides whether the person may enter.

When Is Disclosure Permitted?

Student consent

Written consent identifies the records, purpose, and authorized recipient.

Directory information

May be disclosed only if NCCU has designated it and the student has no directory hold.

FERPA exceptions

Specific exceptions may permit disclosure without consent.

If none applies

Do not disclose the information until you verify the proper path.

SECTION

Student Consent

The cleanest disclosure path is written student authorization.

How Can A Student Permit Disclosure?

A proper FERPA consent should identify

1. The records that may be disclosed
2. The purpose of the disclosure
3. The person or class of persons who may receive the records

NCCU PROCESS

Students should complete the NCCU FERPA consent process so the authorization is properly recorded and routed.

[FERPA Disclosure Form](#)

Without Consent, Look For A FERPA Exception

Unless a FERPA exception applies, NCCU may not release a student's education records or PII from education records without written consent.

Written consent means

Signed and dated
Specific records
Purpose of disclosure
Authorized recipient

When unsure

Pause and confirm before releasing student information.

Students May Prohibit Directory Disclosure

Directory hold

A currently enrolled student may request that NCCU withhold disclosure of directory information.

No written consent

A student may also decline to authorize release of non-directory student information.

Practice point

A directory hold changes what can be released, even if the information would normally qualify as directory information.

SECTION

Directory Information

A limited exception, not a blanket permission slip.

Common Pitfall PII Is Broader Than Names And Ids

Type	Examples
Direct identifiers	Name, address, Social Security number
Institutional identifiers	Banner ID or student ID number
Indirect identifiers	Date/place of birth, demographic details, unique circumstances
Linked or linkable information	Details that could identify a student alone or in combination

Practice point

Do not share information just because the student's name has been removed.

SECTION

FERPA Exceptions

Disclosure may be permitted without consent, but only under specific conditions.

The FERPA Exceptions You Need To Know

School officials

with legitimate educational interests

Health or safety

emergency

Directory information

if no directory hold

Dependent parent

where requirements are met

Subpoena or court order

with proper procedure

Remember

These are exceptions, not the rule. Verify the facts before disclosing.

Additional Exceptions Exist, But Verify Before Using Them

- Other schools where a student seeks or intends to enroll
- Appropriate parties connected to financial aid
- Specified officials for audit or evaluation
- Organizations conducting studies for or on behalf of the school
- Accrediting organizations
- Certain federal, state, and local authorities

When served with a subpoena or unusual request

Route it before responding. Do not decide alone at the point of contact.

The School Official Exception

Student records may be released without student consent to school officials with legitimate educational interests.

Consent answers

What records?
For what purpose?
To whom?

Legitimate interest asks

Does this person need the record to perform an authorized University task?

Legitimate Educational Interest

- Each institution specifies its standards.
- Access must be used as directed by the institution.
- School officials should access only records needed for their legitimate educational interest.
- Curiosity, convenience, or personal interest is not enough.

Useful response

"I cannot share that unless there is a legitimate educational interest or another FERPA basis for disclosure."

SECTION

Best Practices

Use a consistent pause-and-verify approach before disclosing student information.

Disclosure Is Broader Than Handing Over A Document

Disclosure includes

Release, transfer, access, or communication of PII from education records by oral, written, or electronic means.

Watch for implicit disclosures

- "Just directory information" for a sensitive subset
- "Anonymized" data about a known student
- "Broken lock" requests that confirm one missing fact

Practice point

Disclosure can happen by what you confirm, not only by what you send.

The Golden Rule Pause Before You Disclose

- 1 Is this an education record?
- 2 Is this person entitled to know?
- 3 Is there a legitimate educational interest?
- 4 Does a FERPA exception apply?
- 5 If I am unsure, who should I call?

Scenario #1 The Concerned Parent

A parent calls and says "I'm paying my son's tuition, and he has not been answering my calls. Can you tell me if he is attending class and what his grades are?"

Can you release this information? Why or why not?

Scenario #1 The Concerned Parent

ANSWER

No, not based on the facts provided.

Class attendance and grades are education records. Paying tuition does not automatically entitle a parent to access them. Unless the student has provided consent or another FERPA exception applies, the information should not be released.

Scenario #2 The Employer Call

A local employer calls Career Services and asks "Can you confirm that Jordan Smith is currently enrolled at NCCU and majoring in Biology?"

Can you release this information? Why or why not?

Scenario #2 The Employer Call

[ANSWER](#)

Yes, if the student has not placed a directory information hold.

Enrollment status and major are directory information under NCCU's FERPA materials, so they may be disclosed unless the student has opted out.

Scenario #3 Internal Information Sharing

A faculty member asks Residence Life "One of my students has missed class for two weeks. Can you tell me whether they are still living on campus?"

Should Residence Life share this information? Why or why not?

Scenario #3 Internal Information Sharing

ANSWER

It depends.

Residence Life should share only if the faculty member has a legitimate educational interest. If the request is tied to official responsibilities, such as a student welfare concern, disclosure may be appropriate. Curiosity or a personal reason is not enough.

Resources for FERPA Questions

- NCCU REG 10.04.1 FERPA Regulation
- Office of Legal Affairs FERPA guidance
- Office of the Registrar
- NCCU FERPA Annual Notification of Rights
- Student Consent for Access to Education Records Form
- Student Employee and Volunteer Confidentiality Agreement
- U.S. Department of Education Student Privacy resources

Best route

When the request is unusual, time-sensitive, or legally framed, ask before responding.

What NOT To Do

- Post or circulate rosters with student names and Banner numbers.
- Send student information by postcard instead of sealed or secure communication.
- Discuss a student's situation where others may overhear.
- Release information by phone or email without verifying the recipient.
- Leave student records accessible to others.
- Dispose of student records in normal trash.
- Access student information for reasons unrelated to official duties.

The theme

Most mistakes come from convenience, assumptions, or skipping identity verification.

Privacy in Practice: Reports & Student Forms

- **CHECK REPORT INDICATORS**

Confirm and properly note any deceased-student or confidentiality/non-disclosure indicator before using report data.

- **VERIFY BEFORE PUBLISHING OR CONTACTING**

Do not include a student in commencement or honors materials—or initiate related communications—without first checking applicable restrictions and approval requirements.

- **COLLECT INFORMATION PRIVATELY**

Use individual forms. Never ask students to enter names, Banner IDs, dates of birth, signatures, or other personal information on a shared sign-up sheet.

- **REMEMBER**

“Directory information” does not mean unrestricted information. Check for confidentiality restrictions and disclose only what is necessary.

A Word About Emails

Before sending

Would a phone call or in-person conversation be more appropriate?

If email is necessary

- Check recipients and attachments carefully.
- Use clear labels for documents containing student PII.
- Limit addressees to those with a need to know.
- Avoid mass emails containing student information.
- Use BCC for group communications when recipients do not need to see one another's identities or email addresses

Email rule

Slow down before you send. Recall may not be available after disclosure.

KEY TAKEAWAYS

1

When in doubt, treat student information as protected.

2

Do not assume access just because someone works at the University.

3

Ask before releasing information when the answer is unclear.

Final thought

It is always easier to prevent an improper disclosure than to repair one afterward.

If An Inadvertent Disclosure Happens, Act Quickly

1. Notify the appropriate Chair or Dean immediately.
2. Notify the Office of Legal Affairs immediately.
3. Notify ITS if the disclosure was electronic.
4. Do not assume recall will fix the issue.
5. Instruct recipients to disregard and delete the information.

Have Additional FERPA Questions?

Visit [NCCU's FERPA Regulation and Resources](#) and [U.S. Department of Education's FERPA Frequently Asked Questions](#) for additional guidance.

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Need Help?

The Office of Legal Affairs is here to support you.



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Protect Privacy. Preserve Trust.

— Pause. Verify. Ask before you disclose.

Thank you for helping protect student privacy and the University's mission.



Course Development and Legal Content

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