



What Is FERPA?

A TRAINING PRESENTATION FOR CLINICAL SITES

UPDATED 6-18-2018

FERPA

The Family Rights and Privacy Act of 1974 protects student rights, including confidentiality. Under this Act, students have the right to:

1. Inspect and review their educational records
2. Request amendment of educational records to ensure they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights
3. Consent to disclosure of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent; and file a complaint under 34 CFR 99.64, concerning alleged failures of compliance with the FERPA requirements

FERPA

The Family Rights and Privacy Act of 1974 protects student educational records:

1. Records may not be released to anyone but the student, unless the student authorizes release
2. Directory information may be released to credible third parties, unless the student requests that this information remain confidential. Directory information includes, but is not limited to:
 - a. Student name, address, telephone number
 - b. Major and minor fields of study
 - c. Dates of attendance at MSU Denver
 - d. Degrees and awards received
3. Personally identifiable information associated with a student's record (ie. Class schedule, GPA, social security number) may not be released without student permission.

WHAT DOES FERPA MEAN TO ME?

1. FERPA is similar to HIPAA
2. Clinical Rotation Trainers and other clinical site staff who work with students are responsible for overseeing and upholding the rights that FERPA grants to students.
 - a. Student educational records are considered confidential and cannot be released without the student's prior written consent
 - b. You are given access to student educational records for the purpose of performing your job, and it is your responsibility to protect these records whenever they are in use
 - i. Clinical progress is an educational record that is being generated by the clinical site through daily progress notes, feedback, and evaluations

WHAT DOES FERPA MEAN TO ME?

Confidential Information which may not be released without student permission:

1. MSU ID #
2. Grades and GPA
 - a. For the clinical site this is related to progression in the clinical rotation, including technical and professionalism performance
3. Class schedule
4. Residency and Marital status
5. E-mail address

HOW DO I COMPLY WITH FERPA ?

At the beginning of the academic year, CCMLS will obtain Student Consent to Release Confidential Information:

1. For release of information contained in student confidential records, ie. GPA, grades, clinical performance, etc.
 - a. THIS TYPE OF INFORMATION IS ALMOST ALWAYS THE RESPONSIBILITY OF SCHOOL FACULTY AND SCHOOL OFFICIALS

2. For release of information on a “need to know” or “educational necessity” basis when discussing student progress
 - a. THIS TYPE OF INFORMATION IS FREQUENTLY THE RESPONSIBILITY OF ALL PARTIES INVOLVED WITH STUDENT EDUCATION & TRAINING – School Faculty, School Officials, Clinical Rotation Coordinators and Trainers

HOW DO I COMPLY WITH FERPA?

1. On an annual basis, review the provided FERPA presentation and contact CCMLS with any questions (sdifalco@msudenver.edu)
2. Do not link a student's name with their social security or MSU student number in any public manner, including circulation of class lists or attendance rosters
3. Do not leave graded assignments in a stack for students to sort through and pick up
4. Do not provide anyone with student schedules, addresses, phone numbers

HOW DO I COMPLY WITH FERPA?

1. Do not discuss a student's progress with anyone other than the student unless you have written consent from the student
2. Be cautious to discuss academic progress, GPA, academic performance, technical or clinical performance, etc. when multiple students are present. If you need to discuss individual grades, GPA, or other private information with a group of students, written consent must be obtained from each student
3. Send all emails that contain protected information only to the student's @msudenver.edu address; these emails must come from your @msudenver.edu address
4. Obtain a written request from the student in order to write a recommendation letter; the request needs to indicate exactly what the student wants you to include in the letter; maintain the letter on file

EXAMPLES

Read the following case and determine if the action is compliant with FERPA, or if the action is violating FERPA:

CASE 1:

You are training a student in clinical rotation, and a co-worker in another department asks about their progress (ie. "is she a good student?")

Since she is a good friend and you know that she is only being friendly, you respond with "She does well with most things, but has difficulty staying on task. I wonder if she is distracted by her family issues"

EXAMPLES

Was the action compliant with FERPA, or was the action violating FERPA?

CASE 1:

Your response is a violation of FERPA. Student progress should not be discussed with anyone who does not have permission to receive such information (ie. Someone having a “need to know”; another trainer that will be training the student on the next day). Your friend is not working directly with the student, and she has no “need to know” about her progress; she certainly has no “need to know” about the student’s family issues.

You should tell your co-worker that student progress information is confidential (much like HIPAA), and you are not allowed to share.

EXAMPLES



Read the following case and determine if the action is compliant with FERPA, or if the action is violating FERPA:

CASE 2:

You are training a student in clinical rotation, and you brief your co-worker who will be training him on the next day about his progress, including areas in which improvement is needed.

EXAMPLES

Was the action compliant with FERPA, or was the action violating FERPA?

CASE 2:

Your action is in compliance with FERPA, **AS LONG AS** the conversation occurs in private so that unauthorized staff or other students are not privy to the information.

EXAMPLES

Read the following case and determine if the action is compliant with FERPA, or if the action is violating FERPA:

CASE 3:

You are training a student in clinical rotation, and after she leaves for the day, you make some notes about her progress that you will discuss with her tomorrow. You put the notes in a drawer in the department.

EXAMPLES

Was the action compliant with FERPA, or was the action violating FERPA?

CASE 3:

Your action is violating FERPA, because unauthorized individuals may have access to the notes. Making notes is acceptable **AS LONG AS** they are secured and destroyed according to FERPA protocol.

EXAMPLES

Read the following case and determine if the action is compliant with FERPA, or if the action is violating FERPA:

CASE 4:

You are asked by a department manager to provide a recommendation for a student. The student has not asked you for this recommendation, even though you know that he is interested in the job and would be a good fit in the lab. You are certain that he would give permission and the department manager is in a hurry, so you go ahead and write the letter.

EXAMPLES

Was the action compliant with FERPA, or was the action violating FERPA?

CASE 4:

Your action is violating FERPA, because written permission from a student is required before a letter of recommendation is written. The permission also must include exactly what the student wants included in the letter; the permission must be kept on file.

You should have told the department manager that you cannot provide the letter without student permission; then contact the student and tell them that you were asked for the recommendation but cannot write the letter without their written permission.

EXAMPLES

Read the following case and determine if the action is compliant with FERPA, or if the action is violating FERPA:

CASE 5:

You are discussing rotation progress and performance with a student. The discussion occurs in a private area of the lab where it cannot be overheard. When the student is concerned about your evaluation of his performance in a particular area, you reply "you need to do a better job with this task, like Mary is doing".

EXAMPLES

Was the action compliant with FERPA, or was the action violating FERPA?

CASE 5:

While conducting the discussion in a private area is appropriate, your action is violating FERPA, because when Mary's performance was discussed, her confidentiality was compromised. In addition, student performance should always be compared to the standard, not to another student's performance.

You should have clarified your evaluation of the student's performance by comparing it to the standard, giving them suggestions without mentioning another student.

EXAMPLES

Read the following case and determine if the action is compliant with FERPA, or if the action is violating FERPA:

CASE 6:

You are discussing general rotation information, that does not include information about specific student progress, with 3 students in a “public” area of the lab. During the discussion, one of the students asks a question about how they are doing in their blood bank rotation.

You reply: “Right now we need to cover this general information that is not confidential and applies to all students. Any questions about individual progress in a particular area must be addressed by appropriate individuals in a private area. After we have completed our discussion, I can speak with you privately and/or direct you to the individual who can assist you.”

EXAMPLES

Was the action compliant with FERPA, or was the action violating FERPA?

CASE 6:

Your response is in compliance with FERPA. Restricting group discussions to non-confidential topics, and letting the student know that confidential topics must be discussed in private with appropriate individual(s) is correct.

An acceptable alternative would be to seek permission from all students in the group to discuss confidential topics before doing so. This action should be documented.

EXAMPLES

Read the following case and determine if the action is compliant with FERPA, or if the action is violating FERPA:

CASE 7:

You are at lunch with other laboratory staff and someone mentioned the MLS student who finished a rotation last week. They said "He was an okay student, but really needs to improve his problem solving skills and response to stress. He will never make it in this profession if he can't adjust."

You reply: "I totally agree. I wouldn't want to work with him."

EXAMPLES

Was the action compliant with FERPA, or was the action violating FERPA?

CASE 7:

Both participants in the conversation are violating FERPA. Student performance should only be discussed on a “need to know” basis, and not in a public area. The fact that the student is no longer in the laboratory and their evaluation is complete, does not relieve compliance with FERPA.

It would be appropriate for others who hear this conversation to remind the participants that they should not be sharing confidential information of this type.

THANK YOU FOR YOUR ATTENTION!!

We appreciate you reviewing this information, and encourage you to contact the school offices at 720-449-7450 with any questions.

Clinical Liaison: please complete the form that documents this training for your staff and return it to the school offices by e-mail or fax. The form was attached to the e-mail containing this presentation.

1. e-mail: sdifalco@msudenver.edu

▶ OR

2. fax: 720-324-8638