

## FERPA and Financial Aid

The Family Educational Rights and Privacy Act of 1974 (FERPA) protects the privacy of student records by requiring prior written consent before disclosing personally identifiable information to a third party. It applies to college and universities that receive funding from the federal government.

### **General Guidelines**

Educational records include any materials received from the student and/or parents. It also includes any records that were used to make decisions about the student.

Only those records that are directly related to the student are considered to be educational records.

Although employment records are not considered education records by FERPA, student employment records are considered to be education records. So the employment records of a university employee who takes a class are not protected by FERPA, but the employment records of a work-study student are protected by FERPA. The distinction is whether the employment resulted from the individual's status as a student.

Educational records include records, films, files, documents, video tapes, audio tapes, file, microfilm, microfiche, electronic records and other materials that contain information that is directly related to the student (i.e., personally identifiable information)

FERPA requires the school to give the student the opportunity to review his or her records and request a change to the records. If the request to change the records is denied, the student may request a hearing to challenge the contents on the grounds that the records are inaccurate, misleading, or violate the rights of the student. If the school does not amend the records after the hearing, the student has the right to place a statement in the record concerning the contested information.

While FERPA requires the school to allow the student to inspect and review his or her records, it does not require the school to provide the student with copies of those records, unless the requirement to inspect the records in person would effectively deny access to the records. No fees may be charged for retrieving the records, but a reasonable fee may be charged for providing copies of the records, provided that the fee would not prevent access to the records.

The school may disclose the education records of a student to his or her parent(s), without the student's consent, if the student is dependent according to IRS rules (i.e., claimed as a dependent on the parents' income tax return, per IRC Section 152). This includes both parents even if the parents are divorced. The non-custodial parents may see the student's education records even if he or she does not claim the student as a dependent. This may also include financial records, which is often a concern to parents who are divorced. If the student is not claimed as a dependent by his or her parents, the parents do not have the right to review the student's education records, not even if they pay the tuition bills.

If a divorce decree, separation agreement, custody agreement, restraining order, or other legally binding agreement or court order revokes a parent's right to see the student's education records, the school may not disclose the student's education records to that parent.

The student's spouse or ex-spouse does not have the right to review the student's educational records. For example, if a student's ex-spouse alleges that the student provided false information on her financial aid application, the school may not disclose the student's records to the ex-spouse.

### **FERPA applies to the Financial Aid Office**

Records created and maintained by the Financial Aid Office are considered to be educational records and may not be disclosed without the student's consent. This includes at least all of the following records:

- Records relating to eligibility and disbursement of Federal student aid funds
- Student account
- Federal work-study payroll records
- Financial Aid applications
- SAR's and ISIR's
- Documentation and professional judgment decisions
- Documentation relating to a refusal to certify Federal education loans
- Financial Aid history information (for history students)
- Cost of attendance information including documentation relating to any adjustments
- Satisfactory Academic Progress (SAP) documentation
- Documents used for verification
- Entrance and exit counseling records
- Financial records



Name: \_\_\_\_\_

SSN or ID#: \_\_\_\_\_

Campus: \_\_\_\_\_

Department: \_\_\_\_\_

I have read "FERPA and Financial Aid" used by the office of Student Financial Aid and North Central Texas College to insure compliance with the FERPA Regulations.

I understand the importance of guarding the confidentiality of the students' files and will seek clarification from my Supervisor before releasing any information not designated as "directory information" by this office.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date