

Recommendations to Ensure FERPA Compliance

In order to ensure compliance with FERPA, educational institutions should adhere to the following:

- Advise students annually of their rights under FERPA;
- Obtain signed, written consent from a student before a school official, administrator, career services staff member, or faculty member releases personally identifiable information to an employer, third-party recruiter, or resume referral data base. In this regard, however, it should be noted that on April 21, 2004, the Department of Education issued regulations implementing flexible standards for institutions that choose to use electronic signatures. Specifically, the regulations provide that signed and dated consent includes a signature in electronic form that identifies and authenticates a person as the source of the consent and indicates that person's approval of the information contained in the electronic consent;
- Train and retrain faculty members with respect to the requirements and prohibitions of FERPA;
- Notify employers, employment agencies, contract recruiters, resume data bases, and other entities that student records are subject to FERPA, and that such entities cannot subsequently disclose these records without student consent. Educational institutions should also notify third parties that improper disclosure will result in future denials of access to such records;
- Determine, clearly define, and communicate to students what information will be considered directory information prior to disclosure; provide students with a reasonable time to notify the educational institution if they want to restrict access to directory information;
- Obtain a new consent form if any student information is changed, such as revisions to a letter of recommendation, prior to fulfilling an information request;
- Note that FERPA does not address the issue of placing amended letters of recommendation into students' files. Each educational institution is responsible for establishing and consistently enforcing its own policies with respect to this issue; and
- Advise students with respect to the implications of waiving their right to inspect their files or letters of recommendation.