

# True/False Quiz Answer Key

Question	Answer	Notes
1	F	With specific exceptions, “education records” are those maintained by the institution in any format that is identifiable to the student.
2	F	While institutions legally have 45 days to respond, consider whether you prefer and are able to fulfill the request in a more timely fashion, and whether your state open records law identifies a more abbreviated time frame for response.
3	F	All faculty and staff must show a “legitimate educational interest/need to know” within the context of their role to have appropriate access to education records.
4	F	There is no implied consent in FERPA, so you need to follow regular guidelines for releasing this student record information.
5	T	“Sole possession” records are an exception to the definition of “education records,” and are therefore not accessible by the student.
6	F	If the student is legally financially dependent on either parent, then either parent can submit a request to access the student’s record. If the institution would provide access for one parent, it may do so for either parent.
7	T	While the institution must provide access to the student, it is not required to do so for any third party.
8	T	So long as the record currently exists, it would be part of the student’s “education record” and the student has the right to access it.
9	F	Medical treatment records are not covered by FERPA, so long as they are shared only with other medical service providers.
10	F	If the student is found in violation of the institution’s conduct code related to a “crime of violence,” then the student’s name, violation and result of the disciplinary hearing are public information—releasable to anyone. Detailed disciplinary records are never public information, and the names of any victims or witnesses cannot be disclosed without consent.
11	F	A state court has legal jurisdiction only within that state. However, it is permissible for the institution in Ohio to respond to the California subpoena as a matter of professional courtesy. All the FERPA requirements regarding responding to subpoenas must be followed.
12	F	There are three issues here. First, grades and GPAs can never be directory information. Academic honors (e.g., Dean’s List) can be directory information if the school has so designated academic honors to fall in that category. The question of top 10% of grades falls into a somewhat gray area, since it does not directly provide access to grade information for an individual student, but also does not meet the definition of directory information. In fact, it may come close to identifying grade information. Our recommendation is that schools not release the names of students in a top category of grades if that category is not designated as an academic honor in directory information.
13	D	It depends on HOW he posted the grades. If by name, Student ID Number, SSN (or part thereof), or something that can be fairly easily interpreted by a third party, then “yes,” it’s a violation. However, if the grades were posted by some “code” known only by the student and instructor, then that’s OK.
14	T	This is true for any student under the age of 21—regardless of whether or not the student is financially dependent on his or her parent. Note that some state laws prohibit sharing this information without permission.
15	D	If the student is not yet “in attendance,” then records related to the admission would generally not be an “education record.” This is also true if the student is never admitted. However, if admitted and enrolled, all admissions records the institution continues to maintain become education records. It is also important that institutions familiarize themselves with state law and when education records start under those provisions since some begin once an institution begins creating a record.
16	F	A student’s social security number can never be directory information, and therefore cannot be disclosed or even confirmed as public information.
17	F	There is no private cause of action under FERPA. This issue was confirmed by the U.S. Supreme Court in <i>Gonzaga University v. John Doe</i> , a 2002 decision. The student might want to pursue action under a Common Law or state law remedy, such as libel or slander.
18	F	The 2009 regulations clarified that records created after the student was enrolled are considered Alumni Records and are generally open to the public because they are not “education records” under FERPA. Since this is a state school, the state’s open records law may apply if FERPA does not. Unless the student has a “No Release” on his record, you could also release directory information about Tom from when he was a student.
19	T	Posting grades in any personally identifiable format, such as with a name, SSN or SIN, would be a violation under FERPA.
20	F	“Student Recruiting Information” is a set of data defined within the Solomon Amendment. “Directory information” is a set of data defined by each institution. While there MAY be substantial overlap among the data items at any specific institution, they are not the same.

T=True, F=False, D=Depends