



## PARENT INVOLVEMENT IN STUDENT ACADEMICS

December 18, 2020

This episode of Melissa Talks will cover the sticky topic of parent involvement in student academics. The discussion will be separated into three sections: Family Educational Rights and Privacy Act (FERPA) considerations, parental involvement in student issues, and practical advice for faculty and staff.

### **FERPA CONSIDERATIONS**

FERPA governs the privacy of students' academic records. But what is actually protected information is much more specific. FERPA protects the confidentiality of a student's educational record. FERPA defines education records as all records that schools or education agencies maintain about students. There are two important things at play here—the first is the idea of “all records” and the second is the requirement that such records be “maintained” by the school. Let's explore these a bit more.

#### **“All records”**

Education records include a range of information about a student, such as handwriting, print, computer media, electronic communications, video or audio tape, film, microfilm, and microfiche. Examples of educational records are:

1. Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies;
2. Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school;
3. Financial aid paperwork, ADA/504 and medical and health records that a school creates, collects, and maintains (DRS Connect records, doctor's notes, etc.). There are requirements regarding the manner in which these documents are to be maintained.

4. Disciplinary records; Documentation of attendance, schools attended, courses taken, awards conferred, and degrees earned;
5. Personal information such as a student's identification code, social security number, picture, or other information that **would make it easy to identify or locate a student.**

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*NOTE: Personal notes made by teachers and other school officials that are not shared with others are not considered education records. Additionally, law enforcement records created and maintained by a school or district's law enforcement unit are not education records.*

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Part of a student's educational record is called DIRECTORY INFORMATION and includes personal information about a student that can be made public according to a school system's student records policy without a student's express, written consent. Directory information may include a student's name, address, and telephone number, and other information typically found in school yearbooks or athletic programs. Other examples are names and pictures of participants in various extracurricular activities or recipients of awards, pictures of students, and height and weight of athletes. Each year schools must give parents public notice of the types of information designated as directory information. You can find MCCCDS annual notification of Directory Information [here \(MCCCD Annual Notification\)](#).

Just because directory information CAN be released, doesn't mean that it MUST be released. MCCCD is committed to protecting student information, which includes vetting requests for directory information from third-parties. Consult your school administration or the Office of General Counsel if you have questions about a directory information release request.

### **“Maintained by MCCCD”**

In order to be considered protected under FERPA, the records must be maintained by MCCCD. FERPA protects education records that are maintained by MCCCD, but the law does not specify what documents have to be maintained or require the maintenance of education records regarding students, it simply outlines guidelines for keep maintained records confidential and the rights of the owner of that educational record. That being said, state-level laws and regulations often do establish expectations for advisors to create and maintain education records. The legal risk is greater for failure to maintain records as outlined in Arizona state records retention laws than a failure to maintain under FERPA. For example, Arizona state law requires that records regarding Title IX (and code of conduct) cases involving suspension/expulsion must be maintained permanently. ([See, Administrative Regulation 4.1](#) for more information). Generally speaking, information such as student schedules, advising records, grades, transcript, and financial aid records are always maintained by a school.

Typically, MCCCD does not retain records such as homework (graded or ungraded), sign-in attendance sheets, and post-attendance records.

- Additional information about FERPA is available [here](#). ([Information about FERPA](#))
- FERPA information from the U.S. Department of Education can be found [here](#).

### (Family Educational Rights and Privacy Act (FERPA))

- FERPA release of information forms can be found [here](#). ([FERPA Release of Information](#))
- FERPA Request to Withhold Directory Information (Privacy Block) can be found [here](#). ([FERPA Privacy Block Form](#))

## **PARENTAL INVOLVEMENT IN STUDENT ISSUES**

Faculty & staff may occasionally be asked by parents to reveal educational information about their student. The common situation where a concerned parent telephones and wants to know a child's grades, attendance, etc., requires a sensitive response. Likewise, when a parent calls to express dissatisfaction or to lodge a complaint on their student's behalf, or want to otherwise advocate for their student who is facing discipline, we should respond in the same way—We want to work with families to help students, yet we are also legally obliged to protect students' privacy.

### **GRADES**

When a parent phones a faculty or staff member about their student's grades (and all things related to grades—class participation, class attendance, meeting homework deadlines, etc.), faculty and staff have NO OBLIGATION to speak with the parent. In fact, regardless of the age of the student (including under the age of 18), once a student has matriculated to post-secondary classes, THEY own their educational record and we will (in most cases) need a student's permission before sharing information from that education record with a third party.

Not all information requested by the parent falls within the definition of an education record, and when parents are asking for information that is NOT maintained by MCCC as part of an education record, faculty and staff are permitted to answer questions—but it is safer not to answer any questions. Let's look at some scenarios.

- 1. A parent contacts their son's professor because they want to ask for clarification on an assignment, want to ask for an absence to be excused or to ask for an extension on an assignment due date. What is a permitted disclosure?**

Unless the parent has a legal guardianship over the student to act in his or her stead (and you can ask for a copy of this legal document), this kind of phone call or email requires no response from the faculty member. It doesn't even matter if the parent is paying the student's tuition since none of the information outlined above is FERPA. Specifically, the information requested is not protected under FERPA because none of it is maintained by the educational institution. The faculty member can simply refuse to speak with the parent—not because of FERPA but because there is no obligation to engage in the conversation. If the faculty member wants to speak with the parent, they can, but once the discussion begins, it is very easy to get into discussions about things ARE protected under FERPA and should NOT be discussed with the parent without written permission from the student.

**2. A parent calls the financial aid office because they want to know about their student's attendance and participation in class because they read their student's emails and check their assignment grades in Canvas on a regular basis and they fear the student will lose their financial aid because of their failing grades. What does the financial aid employee do?**

In this scenario, the financial aid employee would probably not know anything about the student's attendance and class participation, but they could talk in general about how financial aid is affected by failing grades. Again, even if the parent pays the student's tuition, there is no requirement that any MCCCDCD employee must speak with a parent. Parents are permitted to request grade information if they pay the student's tuition, but there are limits to the disclosure.

**3. A parent shows up to speak with the Student Life Director and request their child's address and phone number because the two of them have been estranged and the parent is ready to make amends. The parent is holding a printout of the District's list of directory information and they point to the fact that address and phone number are on the list, so they expect the information to be shared with them. What does the Student Life Director do?**

While directory information may be shared without permission from the student, it is not REQUIRED to be shared. The employee should always seek to balance the ability to disclose against the student's right to privacy. The employee should check with the Registrar's office to see if the student has placed a FERPA privacy block on their educational record. If they have, the District cannot release any directory information. If the student has not, the employee may refuse to share the information if they believe the student's right to privacy outweighs the permission to disclose.

*NOTE: If a student has placed a privacy block on their account, by law, we cannot even admit that the student attends MCCCDCD. All that can be said is "I have no information about anyone of that name."*

## **DISCIPLINE/COMPLAINTS**

When students face possible discipline or want to file a complaint against a faculty/staff/ or student, many times parent's want to help advocate on their behalf. For matters dealing with Title IX, a student may elect to have a parent serve as their advisor. In these cases, the parent is able to be a part of the Title IX grievance process, but they must follow the rules in acting as an Advisor.

In non-Title IX matters, a student may ask to bring a parent to their meeting with school officials. School officials have the right to deny such a request, unless the formal process permits the student to bring an advisor, advocate, or support person with them. In these situations, a FERPA release form is not required to be signed because the student has the right to bring the person with them to the meeting—remember, conversations are not maintained in the education record, but notes may be. Now, if the student wants to grant the person access to their education record, they would need to sign the FERPA release form. If the process does not afford the student the right to bring an advisor, advocate, or support person, the college can deny them the right to bring their parent to the meeting.

Moreover, a student cannot abdicate or otherwise relinquish to a parent their responsibility to communicate with school officials.

In situations where a student is being served by the Disability Resources Services office, the same rules apply—unless the student is the subject of a legal guardianship where the parent (or someone else) is legally charged with acting in the student’s stead. The student is responsible for self-advocacy. DRS Managers may deny parents the right to attend meetings or otherwise advocate for the student.

### **PRACTICAL CONSIDERATIONS FOR FACULTY/STAFF**

- Before sharing any FERPA protected information, check to see if a student has signed the Release of Information. If they have not, you cannot share any information—even if the student is there with the parent and gives verbal permission. **THE LAW REQUIRES WRITTEN PERMISSION.** Further, the law requires we collect three pieces of information on the release: 1) what information is to be released (specifically), 2) to whom it is to be released, and 3) for what purpose the information is to be released. The signed release form must also be maintained in the education record—so if you have a student sign the document in front of you, you must get it to the registrar’s office.
- Before sharing any directory information, check to see if the student has a privacy block on their record. If they do, you cannot even acknowledge the student attends the college.
- Even if speaking to a parent is *permitted*, it is not *required*. A key question to think about is, “What is in the student’s best interest in this case?”
- Talk to the student and let them know of the communication from the parent. Sometimes, students do not know their parent is attempting to secure information.
- It is appropriate to tell parents that you will look into the situation and call them back. This is especially important when the family situation is complex, and we may have permission to talk to some family members but not others.
- We can release any information to anyone if necessary to protect the health and safety of the student or others in an emergency, but these situations are far and few between. There are other circumstances specified by law when information can be released without the student’s permission, but few of these will affect faculty & most staff. If a question does arise, or you have questions or concerns about a student privacy issue, please contact your college registrar.
- A frequently over-looked aspect of the notion of education records under FERPA is that the law applies only to information from **tangible records** (Family Policy Compliance Office, 2006). Information that academic advisors or counseling faculty, for instance, learn from students through conversation is not protected by FERPA. That is, FERPA does not create an advisor-advisee or counseling (treatment) privilege around advising conversations such that advisors are prohibited from disclosing the substance of those conversations to third parties. Students should be aware of this.

- FERPA permits disclosures to school officials (absent student consent) with a legitimate educational interest (34 C.F.R. § 99). FERPA does not specify who will be considered to have a legitimate educational interest, but rather views this broadly. It is likely that any employee of the institution with some articulable connection to the educational mission of institution will qualify. That being said, be wise in the articulation of the legitimate educational interest—it may not always be as legitimate as you believe.

*For additional information on this subject please feel free to email Melissa Flores or Jason Sweat.*



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