

**South Dakota School of Mines and Technology TA FERPA Compliance Sheet**

**As a teacher's assistant you are bound by the following Federal Law. A signed copy of this sheet must be on file in the Graduate Education Office prior to involvement with students.**

**Family Educational Rights and Privacy Act (FERPA)**  
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The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may call 1-800-437-0833.

Or you may contact us at the following address:

Family Policy Compliance Office, U.S. Dept. of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-8520

I understand that by the virtue of my acceptance of a Teacher's Assistantship at South Dakota School of Mines and Technology (SDSM&T), I may have access to records which contain individually identifiable information, the disclosure of which is prohibited by the Family Educational Rights and Privacy Act of 1974. I acknowledge that I fully understand that the intentional disclosure by me of this information to any unauthorized person could subject me to criminal and civil penalties imposed by law. I further acknowledge that such willful or unauthorized disclosure also violates SDSM&T's policy and could constitute just cause for disciplinary action including termination of my employment regardless of whether criminal or civil penalties are imposed.

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Teacher Assistant Print Name

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Date

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Teacher Assistant Signature

### **Teacher Assistant Tips**

These tips are provided as a guideline for you to use in the course of information sharing concerning students in your classes.

#### **PLEASE KEEP THIS SHEET AS A GUIDE FOR YOUR USE**

- Never share a student's papers or grades with anyone other than the instructor of record or the student.
  - When returning exams and other graded material, take reasonable care that the grades are seen only by the student who submitted them.
  - Do not return a paper to a student other than its owner, even if the non-owner says that the student wants you to. This restriction applies also to roommates, romantic couples, and married couples.
  - If you post grades, post them using student id numbers, not student names.
  - Don't return papers to students in a manner that requires students to look through other students papers to find their own.
  - It is usually all right to ask students to grade each other on a minor quiz or question if the grading serves an instructional purpose. If in doubt, discuss it with the course instructor before using this technique.
- Never discuss a student's grades or performance with anyone other than the instructor or the student. You cannot discuss grades with a student's parents, friends, boyfriend/girlfriend, or spouse.
- Do not share personal information about a student's address, phone, schedule, etc.
  - If someone asks "What class does John Smith attend at 10 am and where is it?" you should not tell them. However, if it is an emergency, you can contact a staff member to get a message to the student.
  - If setting up teams, ask the team members to exchange email/phone numbers with each other, rather than handing them out yourself.