

Ask Professor FERPA

Posted on November 12 2013



Dear Professor FERPA,

We have a student who has attended our institution as a 'Conditionally Classified' credential student. Conditionally Classified students are students who have not been accepted into the Credential program. While attending under this classification, this student applied to become a 'classified' credential student. His application to the program was denied and he is now requesting all of his records regarding that decision.

Our campus stipulates that a student is one who has attended classes; under that interpretation this student would have access to all of his records. However, this student has not been accepted into the program and the academic department who holds and reviewed his application documents is not willing to release them unless required to do so. Are we required to release all of the records, including his application to the credential program? Or can we withhold the documents in his record that pertain to his application to the credential program?

A Regi-Star!

Hello Regi-Star,

If I am interpreting your situation correctly, it appears that §99.5(c) of the FERPA regulations would *not* require you to disclose records related to the students application to this program.

You can reference the *2012 AACRAO FERPA Guide* (p. 155), but basically, if you have a student who is or was enrolled at your institution, and he or she applies for admission into a separate component of your institution and is *denied*, records pertaining to that particular decision do not have to be released.

However, if the student had been *accepted* and requested those records, the institution would have to release them.

Hope that helps,

Professor FERPA
