

## Ask Professor FERPA: Can our dean get information on a student in a consortium class held at another school?

Posted on October 13 2013



Dear Professor FERPA,

We have a situation with a student enrolled in web-based graduate program run by a consortium of schools, including our own.

This student is enrolled at our institution but is appealing a grade on one of the courses taught by one of our consortium partners. The student has a record of threatening lawsuits and being a challenge both to her teammates as well as the faculty.

The student also had a second class this term with one of our own faculty members and did well in the class. The professor set some behavior boundaries early on and the student complied. Since the student is threatening lawsuit in the context of the other school's class, our dean is asking for copies of any typed reports, exams, homework, etc. from April 12 through the end of the semester at the institution in question.

My question is: does FERPA apply here at all? From your understanding of the law, is it permissible to give the requested information to our dean? As I said, the student is technically enrolled here.

Thanks,

Worried Registrar

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Dear Worried,

Since the student received services from both institutions under the consortium program, and as such was dual enrolled, §99.34(b) of FERPA would allow for such a disclosure. The partner institution in question may disclose an education record on a student who is enrolled at, or received services from, your institution so long as:

- A reasonable attempt is made by your partner institution to notify the student of the disclosure. This is not necessary if their annual notification includes a notice which stipulates that they can forward education records to institutions where the student seeks or intends to enroll, or is already enrolled. This must be related to the student's enrollment or transfer, but could apply here.
- A copy of the records must be furnished to the student in question.

I hope this helps,

Professor FERPA

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