

College kids have too much privacy

Michele Willens

A few years ago, an acquaintance received a stunning phone call from her daughter's former college roommate. The conversation went something like this:

"I thought you should know your daughter never graduated from college."

"What? She claimed she was just skipping the ceremony."

"Well, the truth is she didn't attend classes the last two years."

The parents were shellshocked, concerned and ultimately furious at the school. "Why didn't they tell us?"

The answer is FERPA.

Passed in 1974, the Family Educational Rights and Privacy Act is an unwieldy piece of legislation affecting all institutions that receive funding from the Department of Education. Although it has been amended over the years, the law's bottom line remains: "Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an 'eligible student' and all rights under FERPA transfer from the parent to the student."

This essentially means that you have no right, as a parent, to know what or how your children are doing in school. They can binge-watch "True Detective" rather than attend classes, never disclose their grades, maybe become seriously anxious or depressed, and you have to take their word for it when they say "everything's fine."

For sons and daughters who move through college in four efficient years, the law has little consequence. Unfortunately, even kids who never played hooky, told a lie or got less than a C in high school can become socially and academically lost in a distraction-filled, unfamiliar setting.

A recent report by the nonprofit Complete College America found that "only 50 of more than 580 public universities graduated a majority in four years." And according to the National Student Clearinghouse, roughly 45% of students who enter college each year — 2 million individuals — will not graduate at all.

The Department of Education's original intentions were admirable: to protect students' privacy, ensuring that no outside parties could gain access to their educational information. Even though privacy is still a precious, albeit threatened, asset, the question is why should parents, who are perhaps financially supporting their children's continuing studies, be tossed into the same category as perfect strangers?

"With FERPA's birth, things got very liberal and pro-student," says Robert Gatti, dean of student affairs at Otterbein University in Ohio. "And now you might say there are a lot of folks who would like to see the pendulum swing back the other way."

Indeed. After all, school officials cannot even conduct a meeting with parents about their child's mental health or academic performance unless the student signs a form.

"The breadth of FERPA is so large that it covers everything from preventing faculty from leaving students' papers in boxes outside their offices to influencing how we respond to media inquiries," says Gordon Stables, assistant dean of student affairs at the Annenberg School at USC.

Though it's possible for parents to obtain a waiver, it's a laborious process. Either the student must give specific written permission, or the parents must submit a slew of documentation, including recent tax forms, to prove that they still claim the student as a dependent. Amendments to FERPA over the last few years have also allowed schools to alert parents if a student is violating campus policies, but that's limited to drug or alcohol use and, more recently, sexual offenses. It is, therefore, up to concerned friends and roommates (who probably don't want to fink and may not even know there is a problem) to reach out to parents.

Dan Caldwell, a political science professor at Pepperdine, says if he notices a student has missed a few classes, he will contact the student. "But I can't let the parents know, nor can I let them know their son or daughter may be getting a 'D.' It seems funny because if they are 17, I can."

Few would argue that parents should expect to have the same level of involvement or control when their kids move from high school to college. (This is not about helicoptering — demanding to know why your kid didn't start on the tennis team.) But many people who deal professionally with twentysomethings agree that FERPA treats college students as responsible adults too soon.

"It's one thing for confidences within a therapist's office between your child and a shrink not to be revealed," says Herb Pardes, former dean of the faculty of medicine at Columbia. "It's another not to alert parents when a school may know about the potential downfall of a child. It's not even so much about the money; it's about these are the people who most care about that young person, and they have the right to know if he or she is suffering."

FERPA affects rich and poor alike. "The university considers students as adults, regardless of age or financial dependence," reads the law. Granted, there's a special kind of pain associated with discovering that your kid took a gap year while still enrolled — if it so happens you're coughing up \$60,000 a year. But taxpayers foot the bill when students of any socioeconomic stripe flunk out of, or extend, their college experiences.

Some in Congress, notably Rep. Jared Polis (D-Colo.) are agitating to revise the law. But perhaps it is time to throw it out altogether. Without FERPA, universities could send students' records directly to their guardians, and allow administrators to immediately alert or respond to families if a student is in crisis. Where's the harm in that? Of course, if a student has good reason to keep her family in the dark, she should have the right to apply for an exemption or waiver (inverting the status quo).

Transferring all power to the students is not fair to them; they never asked for that responsibility. At a time when young people seem perfectly happy to share every moment of their lives online, they'd probably not blink an eye if they were forced to continue to share their educational records. Rescinding this law may improve the shameful college completion statistics. Most important, it will keep families connected and allow our children to remain young just a little bit longer.

Michele Willens is a freelance writer who writes frequently on education issues. This article appeared in the Los Angeles Times website in the Op-Ed section on September 8, 2015.