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The Case for Student Privacy and FERPA

From the moment a child enters the education system, their parents are involved in every aspect of their academic life. By the time the child reaches college age, they can become annoyed with their parent or parents always wanting to know about their academic life, even if their parents are assisting them in paying for tuition. Therefore, I believe that parents should not be able to see their children's grades, even if they are paying tuition because a student should have a legal right to privacy as they make their transition into adulthood.

The Family Education Rights and Privacy Act, also known as FERPA, is a law that reinforces a student's right to privacy. According to Ken Weeks, James Buckley, a former senator from New York, presented FERPA also known as the Buckley Amendment, as an amendment to a previous educational legislation [1]. Buckley had seen how academic records were being mishandled and proposed FERPA to fix this problem within the educational system. After Buckley proposed FERPA, there was major backlash from all sides. According to Weeks, "there was a clamor of concern over the legislation from parents, students, and college administrators." FERPA would go through many different changes before becoming the law that it is today [1]. After months of refinement, FERPA would finally come to fruition. November 1974 was the "date on which the Family Education Rights and Privacy Act became effective" [1]. This bill was a victory for privacy rights and helps to ensure that parents do not become overtly involved in their college student's life.

Since FERPA's conception in 1974, privacy rights have become a part of the education conversation. A big part of this conversation is how the rights of the child change after they become a legal adult. FERPA states that after a child turns 18 and enters a public college institution, "that right [to request information] transfers from the parent to the student and the school may not release such information as grades or course undertaken to a parent or any other third party without the student's

consent” [2]. A parent’s involvement in their child’s academic life, “may affect students’ expectations for their relationship with their instructors” and “may ultimately lead to changing student needs, including a greater focus on the instructor–student relationship, and specifically, rapport (Jorgenson, 1992)” [3]. It is clear that FERPA should remain in place because the law prevents parents from overstepping their boundaries which could prove damaging to the overall wellbeing of the student.

The over-involvement of parents can have deeper psychological effects on their college-age children. A parent’s over-involvement in their child’s life can often be described as “helicopter parenting.” These parents often “experience extreme separation anxiety when their children go off to college, and oftentimes do not detach from their children at all” [4]. This extreme separation anxiety can lead parents accessing academic records without their child’s consent, violating the child’s right to privacy protected under FERPA. Helicopter parenting can ultimately be detrimental to a child’s psychological health over time. Students of helicopter parents are often “prescribed medications for anxiety or depression” [4]. Rather than continuing to give into helicopter parenting, college students must embrace their autonomy and reclaim their psychological health by reminding parents to adhere to FERPA.

A recent Florida State University study dives deeper into the correlation between depressed, anxious college students and their overbearing parents. In the study, students with hovering parents had “greater difficulty handling tough tasks and decisions” and were “also more likely to report anxiety and depression, as well as decreased life satisfaction and health issues” [5]. Parents may think that they are doing the right thing by intervening on their child’s behalf, but after a certain age, this practice is damaging to a college student as they mature into young adulthood.

Helicopter parenting not only affects college students psychologically, but academically as well. A survey conducted by management professors showed that college students with overbearing parents were “more dependent on others, had poor coping strategies and didn’t have soft skills, like responsibility and conscientiousness throughout college” [6]. Without the crutch that is a hovering

parent, a college student has a tougher time succeeding academically, which will eventually determine how well they succeed in their careers. Marla Vannucci, a professor at the Adler School of Professional Psychology in Chicago, further proves this point as she discusses a college student whose parents did her homework for her. The mother of the college student explained to Vannucci that she was doing this for her daughter because “she didn’t want her daughter to struggle the same way she had,” not taking into account the fact that her daughter “has anxiety attacks anytime someone asks her to do something challenging because she never learned how to handle anything on her own” [6]. FERPA prevents anything of this sort from happening by giving professors the power to prevent parents from overstepping and enforcing honor codes for the students.

The children of helicopter parents are often physically, mentally, and academically affected by the way their parents choose to raise them. However, the children of parents who appropriately raise them properly develop and are especially more psychologically stable than their counterparts. In fact, young adults whose parents do not hover and “set clear limits while maintaining a warm and engaging environment reported high perceptions of self-worth and self-efficacy” [7]. Along with adhering to FERPA, helicopter parents can take the previously mentioned cues in order to ensure their child’s overall success.

The social contract theory supports FERPA and views the law as a wise and ethical way to maintain a student’s privacy. Social contract theory suggests that, “such an understanding provides both school authorities and those who interact with them a similar rationale for legal obligations and limitations placed on their relationship” and that it “may aid in the reduction of needless controversy between these groups” [8]. FERPA is a necessary law that keeps all parties at bay and prevents any fallout, according to the social contract theory.

Utilitarianism also supports FERPA. Utilitarianism states that “the overriding principal in societal decision making should be the greatest good for the greatest number of people (Haney, 2013)” [9]. Utilitarianism also visualizes “a society with small numbers of rich and poor and the greatest

majority comfortably provided with the necessities of life” [9]. The greatest majority are the college students who are provided with education, something that is one of the fundamental necessities for success in this country. If a student’s ultimate happiness and well-being is found in gaining autonomy through FERPA, then parents must abide by the law so that their children can thrive psychologically and academically.

Kant’s contract theory favors FERPA as well. According to Kant’s contract theory, people must “enter into mutually enforceable and mutually agreed upon contracts in order to vindicate their natural right of autonomy...being free from determination by another’s choice” [10]. In the context of FERPA, this contract theory allows college students to have the choice of whether or not they disclose their academic information, including grades. In order for this parent/student social contract to work, the parent and student must “submit themselves to a common source of authority for the validation of their reciprocal natural right” [10]. In the case of FERPA, the parent and college must submit to the United States government in order for FERPA to truly do its job. FERPA works because it is not only legalistically sound, but ethically sound as well.

Lastly, natural law supports FERPA. FERPA can be viewed as “an agreement to submit to certain rules of government, which are legitimate only because they recognize and protect our natural rights” [11]. FERPA’s legitimacy rests in the fact that it protects a college student’s natural right to keep their academic records private. FERPA is not only a good law, but an ethical law that benefits college students as they take steps toward autonomy.

FERPA has very unique implications. If the legislation were to be repealed, it would be a major financial loss because institutions would have to exclude the FERPA form from their records. It would also affect the quality of education because parents would either not be allowed to access their child’s records or they would override their child’s right to privacy. Lastly, FERPA protects students when unfortunate events such as acts of sexual harassment and misuse of drugs and alcohol. Without FERPA,

college students would no longer be protected from these incident and the probability of these incidents occurring would increase.

Parents should not have the right to request their child's academic records even if they are assisting their child with college payments. A parent's instinct from the moment their child enters the education system is to keep up with everything their child does academically, including their grades. While that is justifiable in elementary, middle, and high school, college is a completely different educational path for a student and that student must gain a certain sense of autonomy from their parents. Rather than snooping around in their child's academic business, parents must adhere to the privacy standards that are laid out in the Family Education Rights and Privacy Act to ensure that the privacy rights of their child are upheld.

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