**FERPA and Student Notes**

According to FERPA all notes made about a student that an institution maintains and shares with school officials are included in the definition of education records. This applies to notes produced and maintained in electronic as well as hard copy format and includes all e-mail correspondence.

It is important to understand that notes are considered a part of the education record because that means notes are subject to disclosure under FERPA. In the event the student invokes his/her right to inspect or review their education record, all student notes would need to be made available to the student. Notes would also be subject to disclosure if the education record is released to comply with a judicial order or subpoena.

Sole possession notes are an exception. According to FERPA:

Sole possession notes are made by one person as an individual observation or recollection of a student, and are kept in the possession of the maker. Sole possession notes are not subject to FERPA regulations. However, sharing the notes with another person, or placing them where they can be viewed by others makes them “education records” and subject to FERPA.

With the move to imaging and electronic communication it is easier than ever to maintain information on a student, but we need be mindful that any information kept is subject to disclosure under FERPA. **This includes all annotations, stamps, etc. that are placed electronically on the scanned document.**