

The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g and 34 C.F.R. Part 99) is a Federal law that protects the privacy of student education records. The law directly applies to all educational agencies or institutions that receive funds under an applicable program administered by the Secretary of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student—termed an eligible student—when the student reaches the age of 18 years or attends an institution of postsecondary education. Parents and eligible students generally have the rights to inspect and review the student's education records, the right to seek to have the education records amended, the right to have some control over the disclosure of personally identifiable information (PII) from the education records, and the right to file a written complaint with the Family Policy Compliance Office of the Department of Education regarding an alleged violation of FERPA.

Generally, educational agencies or institutions must have written permission from the parent or eligible student in order to release any PII from a student's education record. Under FERPA, however, educational agencies and institutions may disclose students' education records or PII contained therein, without consent, under certain exceptions to the requirement of consent, which include, but are not limited to, the following:

- school officials with legitimate educational interests, subject to criteria that an educational agency or institution must set forth for who constitutes school officials with legitimate educational interests in the annual notification of FERPA rights and under the conditions set forth in the FERPA regulations at 34 C.F.R. § 99.31(a)(1);
- other schools and school systems to which a student seeks or intends to enroll or is transferring, subject to the conditions set forth in the FERPA regulations at 34 C.F.R. § 99.31(a)(2) and § 99.34;
- specified officials for audit or evaluation purposes, subject to the conditions set forth in the FERPA regulations at 34 C.F.R. § 99.31(a)(3) and § 99.35;
- in connection with financial aid for which the student has applied or which the student has received if the information is necessary for such purposes as to determine the eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
- organizations conducting certain studies for or on behalf of the educational agency or institution, subject to the conditions set forth in the FERPA regulations at 34 C.F.R. § 99.31(a)(6);
- accrediting organizations to carry out their accrediting functions;
- appropriate parties in connection with health and safety emergencies, subject to the conditions set forth in the FERPA regulations at 34 C.F.R. § 99.36;

- State and local officials or authorities to whom information is specifically allowed to be reported or disclosed pursuant to State statute if the information concerns the juvenile justice system and, depending on whether the State statute was adopted before or after November 19, 1974, subject to the conditions set forth in the FERPA regulations at either 34 C.F.R. § 99.31(5)(i)(A) or § 99.38; and
- to comply with a judicial order or lawfully issued subpoena, subject to the conditions set forth in the FERPA regulations at 34 C.F.R. § 99.31(a)(9).

If a district did not include information about its intent to release information under the circumstances listed above, the district must make reasonable attempts to notify the parents or guardians prior to the release of the information.

Educational agencies and institutions also may disclose, without consent, directory information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, educational agencies and institutions must provide public notice to parents and eligible students about the items of information that they have designated as directory information and allow parents and eligible students a reasonable amount of time to request that the educational agency or institution not disclose such directory information about them. Educational agencies and institutions must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (e.g., special letter, inclusion in a Parent Teacher Association bulletin, student handbook, or newspaper article) is left to the discretion of each agency or institution.

Resources Related to FERPA

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g)
<https://www2.ed.gov/policy/gen/guid/fpc/ferpa/index.html>

Family Policy Compliance Office, U.S. Department of Education
FERPA information
<http://www2.ed.gov/policy/gen/guid/fpc/index.html>
