Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student").

Under FERPA, a school must provide a parent with an opportunity to inspect and review their child's education records, but is not required to provide copies of the education records unless circumstances effectively prevent the parent from exercising the right to inspect and review the education records.

Under FERPA, a parent has the right to ask for changes or correction of their child's education records that the parent believes to be inaccurate, misleading, or in violation of the child's rights of privacy. However, while a school is not required to change the record it is required to consider the request, to inform the parent of its decision, and, if the request is denied, to advise the parent of his or her right to a hearing. If, during the hearing, a school decides not to make the changes, then the parent has the right to insert a statement in the record commenting on the contested information or stating why the parent disagrees with the decision, or both. That statement must remain with the contested part of the record for as long as the record is maintained and be included whenever the contested part is disclosed.

Parents can ask to fix factual mistakes in their child's records, however, under FERPA, schools aren't required to change decisions made by staff, like grades, disciplinary actions, or evaluations of a student's performance. This also applies to special education decisions, such as whether a student qualifies for services, the specific details written into an IEP, or where a student is placed. While you can use FERPA to fix a typo in an IEP, an official IDEA dispute resolution process—like mediation, state complaints, or due process hearings—must be used to handle any serious disagreements about the actual content of the plan.

Under FERPA, a school generally cannot disclose "personally identifiable information" from a student's education records to a third party unless the student's parent has provided prior written consent. However, there are a number of exceptions to FERPA's general consent requirement. Under these exceptions, schools are permitted to disclose PII from education records without consent, but they are not required to do so by FERPA. These exceptions

include:

- School officials with legitimate educational interests;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific state law.

Schools may share, 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. **Click here (board policy)** for a complete list of Directory Information we may share. Schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification is left to the discretion of each school. RSD provides its FERPA notification in our Student and Family Handbook and posts it on our website.

For more specific information, please refer to the US Department of Education FERPA information page.