

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program to U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are eligible students.

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records such as great distance, if it's impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.

However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34CFR § 99.31):

- ❖ School officials with legitimate educational interest
- ❖ 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 organization

- ❖ To comply with a judicial order lawfully issued subpoena
- ❖ Appropriate officials in cases of health and safety emergencies
- ❖ State and local authorities within a juvenile justice system and pursuant to specific state law

Schools may disclose with 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, 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 to not disclose directory information about them.

Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, student handbook, or newspaper article) is left to the discretion of each school.

What is Directory information?

FERPA defines “directory information” as information contained in a student’s education record that generally would not be considered harmful or an invasion of privacy.

Directory information could include:

- ❖ Name, address, telephone listing, electronic mail address, date and place of birth, dates of attendance and grade level
- ❖ Participation in officially recognized activities and sports
- ❖ Weight and height of member of athletic teams
- ❖ Degrees, honors, and awards received
- ❖ The most recent school attended

School information may disclose directory information to anyone without consent if it has given parents or eligible students general notice of the information it has designated as directory information the right to opt out of these disclosures and the period of time they have to notify the school of their desire to opt out.

Does FERPA give me a right to see the education records of my son/daughter who is in college?

When a student turns 18 years old or enters a postsecondary institution at any age all rights afford to you as a parent under FERPA transfer to the student (eligible student).

However, FERPA provides ways in which a school may but is not required to share information from an eligible student's education records with parents without the student's consent.

For example:

- ❖ Schools may disclose education records to parents if the student is claimed as a dependent for tax purposes
- ❖ Schools may disclose education records to parents if a health or safety emergency involves son or daughter
- ❖ Schools may inform parents if the student he/she is under 21 has violated any law or policy concerning the use or possession of alcohol or a controlled substance.
- ❖ A school official may generally share with apparent information that is based on that official's personal knowledge or observation of the student.

For additional information or technical assistance you call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Services at 1-800-877-8339.

Or you may contact the following:

Family Policy Compliance Office
U.S. Department of Education; 400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Source of information:

+Board of Trustees of the Community Technical Colleges, Board Policy 5.7

+U.S. Department of Education; www.ED.gov