

Family Educational Rights and Privacy Act (FERPA) - Law Summary

DESCRIPTION OF THE LAW

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C.1232g; 34CFR Part 99) protects the privacy of student education records. The law applies to all schools that receive funds under applicable program 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 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.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading.
- Schools must have written permission for the parent or eligible student in order to release any information from a student's education record.

How does the law apply to information?

Schools 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. 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.

What information does the law protect?

Schools may not disclose any information about students, other than directory information, to unauthorized persons or organizations. Non-disclosable information includes;

- Social Security numbers
- Grades
- Academic Standing
- Which classes a Student is enrolled
- Number of credit hours earned
- Test scores
- Student disciplinary records
- Other information considered an educational record

FERPA allows schools to disclose information with out consent, to the following parties or under the following conditions:

- 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 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;
- State and local authorities, with in a juvenile justice system, pursuant to specific State law.