

Fact Sheet: Family Educational Rights and Privacy Act

Parents of elementary and secondary school students are afforded important rights and protections under the Family Educational Rights and Privacy Act (FERPA). Schools must continue to adhere to the requirements of FERPA even if the student is no longer enrolled, and the rights guaranteed under FERPA pass from the parents to the student when he or she reaches the age of 18 or enters college. The following contains a summary of these rights and provides a helpful link to more information.

Education Records

FERPA guarantees parents the right to access and amend their child's education records. This requirement applies to all education agencies and schools that receive Federal education funds. Such records include, but are not limited to:

- report cards,
- transcripts,
- Individualized Education Programs (IEPs),
- disciplinary records, and
- class schedules.

Although schools must allow parents to view these records, they are not necessarily required to provide copies and may charge a fee for doing so. In some instances, parents may need to go to the school to review the records. Parents may request corrections to records that they believe to be inaccurate or misleading. If the school disagrees with the parent's contention, the parent has the right to a formal hearing. If, after such a hearing, the school still declines to amend the record, the parent has the right to place a statement in the student's file explaining the subject of contention.

Consent and Disclosure

FERPA requires educational agencies and institutions to obtain written consent from a parent before disclosing education records or personally identifiable information. Consent must

- state the purpose of the disclosure,
- specify the records that may be disclosed, and
- identify the party or class of parties to whom the disclosure may be made.

Educational agencies and institutions must keep records indicating who has requested or received access to a student's education records and what their legitimate interest is in the information. **Parents may request copies of any education records disclosed and may inspect records documenting requests for access to, and disclosures of, education records. FERPA authorizes an educational agency or institution to disclose**

education records or personally identifiable information contained therein without prior consent if the disclosure is

- to the parent of a student if he or she is not claimed as a dependent on his or her parent's income taxes;
- to other school officials, including teachers, within the agency or institution with a legitimate educational interest in the records;
- to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, so long as the disclosure is related to the student's enrollment or transfer;
- to authorized representatives of the U.S. Comptroller General, Attorney General, Secretary of Education, or state and local educational authorities for purposes related to enforcement of Federal legal requirement;
- authorized by a state statute concerning the juvenile justice system to enable specified state and local officials to effectively serve a juvenile prior to adjudication;
- to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction;
- to accrediting organizations to carry out their accrediting functions;
- to comply with a judicial order or lawfully issued subpoena; or
- in connection with a health or safety emergency and disclosure is necessary to protect the health or safety of the student or others.

In addition, an educational agency may release education records without prior consent if all personally identifiable information is removed and the student's identity cannot be ascertained from the records. **FERPA additionally prohibits the unauthorized disclosure of education records and mandates that schools have in place adequate safeguards against such disclosure.** Schools are also allowed to share "directory" information such as names and addresses, which are not considered to be harmful to the child.

Note About DoDEA Schools

FERPA does not apply to Department of Defense Education Activity (DoDEA) schools because they do not receive funding from the U.S. Department of Education. However, the Department of Defense follows similar guidelines to safeguard students' and families privacy rights.

The Family Policy Compliance Office

The Family Policy Compliance Office of the U.S. Department of Education is responsible for investigating, processing, and reviewing complaints and violations of FERPA. The Office also provides technical assistance to educational agencies and institutions regarding compliance with FERPA. **For more information visit:** <http://www2.ed.gov/policy/gen/guid/fpco/index.html>.