

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 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."

Parent's/Eligible Student's Rights

- 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 unless, for reasons such as great distance, it is 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. After the 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.
- Parents or eligible students have the right to consent or withhold disclosure of personally identifiable information and the right to refuse the release of directory information without their written consent
- Parents or eligible student have the right to file a complaint with the U.S. Department of Education

School Responsibilities

- Schools must notify parents and eligible students annually of their rights under FERPA.
- Schools must protect student's identity by only allowing the Financial Aid Administrator, Dean, Director of Doctoral Programs, Coordinator of Student Services and limited other school officials with legitimate educational interest to have access to student education records without student consent.
- Generally, schools must have and maintain 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 (34 CFR § 99.31):

- School officials with legitimate educational interest
 - The entity or persons designated in a Federal Grand Jury subpoena or any other subpoena issued for a law enforcement purpose
 - The appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The educational institution has the responsibility to make the initial determination of whether a disclosure is necessary to protect the health or safety of the student or other individuals.
 - U.S. Comptroller General, U.S. Attorney General (or designee), U.S. Department of Education
 - State and local officials
 - The Immigration and Naturalization Service
 - Authorized organizations conducting educational research
 - Accrediting agencies
 - Alleged victim of a crime
 - Parent of a dependent student as defined by the IRS
 - Parent of a student under 21 regarding the violation of a law regarding alcohol or drug abuse
- Schools may disclose information from “law enforcement unit records” to anyone – including federal, state or local law enforcement authorities – without the consent of the parent or eligible student.
 - 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. 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 not disclose directory information about them.

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

Or you may contact us at the following address:

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