

Family Educational Rights and Privacy Act
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Enacted in 1974, The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) has long protected the privacy of student educational records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education and subjects those schools to forfeiture of those funds for failure to comply with FERPA.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when the student reaches the age of 18 or attends a school beyond the high school level. These rights include:

- The right to inspect and review the student's education records.
- The right to request that a school correct records which they believe to be inaccurate or misleading.
- The right to consent to disclosure of personally identifiable information contained in the student's education records.
- The right to file a complaint with the United States Department of Education if they feel their FERPA rights were violated.

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

Counsel must review State statutory requirements that may supplement or add additional requirements to the rights and requirements of FERPA. Many States have expanded the requirements in many ways, but most visibly by preventing the collection of certain types of data (religious affiliation/voting practices/political affiliation/biometric data/firearms ownership) and establishing procedures, roles and responsibilities to data is properly used and collected.