

Family Educational Rights and Privacy Act

What is 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.

Who is protected under FERPA?

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."

FERPA provides for the right to inspect and review education records, the right to seek to amend those records, and to limit disclosure of information from the records.

What are Education Records?

With certain exceptions, a student has rights of access to those records which are directly related to him/her and which are maintained by an educational institution or party authorized to keep records for the institution. Education Records generally include any records in the possession of the institution that contain information directly related to a student, with the exception of those addressed below. FERPA contains no requirement that certain records be kept at all. This is a matter of institutional policy and/or state regulation. The records may be handwritten or in the form of print, computer, magnetic tape, e-mail, film or some other medium. FERPA coverage includes records, files, documents, and data directly related to students. This would include transcripts or other records obtained from a school in which a student was previously enrolled.

What is not included in an Education Record?

- Sole-possession records or private notes held by educational personnel
- Law enforcement or campus security records which are solely for law enforcement purposes
- Records relating to an individual's employment by the institution
- Records relating to treatment provided by a physician, psychiatrist, psychologist, etc.
- Records of an institution containing only information about an individual obtained after that person is no longer a student at that institution (i.e., alumni records)

Are there any Implications for GEAR UP staff?

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 (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 State law.

Do you need additional information or technical assistance?

Contact the U.S. Department of Education Family Policy Compliance Office at (202) 260-3887.