

Family Educational Rights and Privacy Act (FERPA)

Family Policy Compliance Office (FPCO) Home

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."

Eligible students have the right to inspect and review the student's education records maintained by the school. A student should submit to the registrar, dean of students, head of academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. Noted exceptions would be:

- Students do not have access to the financial records of parents.
- Students do not have access to letters of recommendations placed in the records prior to January 1, 1975.
- Personal records of instructional, supervisory, and administrative personnel, which are not accessible or revealed to any other person except a substitute, are not open for review and inspection by student.
- The professional records of the institution's medical staff are not open for review and inspection by students; however, a physician or other appropriate professional of the student's choice can personally review these records.

The school official will make arrangements, within 45 days, for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for the eligible students to review the records. Schools may charge a fee for copies.

Eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the school decides not to amend the record, the school will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. After the hearing, if the school still decides not to amend the record, the eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the 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;
- Board of Trustees;
- Students serving on official committees;
- Other schools to which a student is transferring upon request;
- 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;
- Parents of an eligible student if the student is a dependent for IRS tax purposes;
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of CFR § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding (CFR § 99.31 (a)(13));
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of CFR § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her (CFR § 99.31(a)(14));
- Parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (CFR §99.31)(a)(15))
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- U.S. Comptroller General, U.S. Attorney General, U.S. Department of Education, state and local authorities.

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 eligible students about directory information and allow eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify eligible students annually of their rights under FERPA. The means of notification includes, but not limited to, student handbook, online catalog, registrar web page, new student orientation and an annual email to all registered students, faculty and staff.

Eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

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

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.