

**FAMILY EDUCATIONAL
RIGHTS AND PRIVACY ACT
(FERPA)**

An Overview of the Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) was enacted to clarify the rights of students and their parents regarding educational records. It contains very specific information detailing what is considered an educational record; how systems are to handle requests for records from parents, other school systems, and other agencies; and confidentiality of personally identifiable information. SST members should have a clear understanding of FERPA requirements due to the fact that they must deal with these issues on an ongoing basis.

The basic requirements of FERPA are outlined below. Additional information is contained in the Frequently Asked Questions immediately following this overview.

1. Parents have the right to inspect and review the educational records of their children. If any material or document in the educational record of a student includes information on more than one student, the parents have access to only the information which relates to their child. Educational records must be made available within a reasonable period of time, but in no case more than forty-five days after the request has been made.
2. Parents have the right to a hearing process in order to challenge the content of their child's educational records in order to insure that the records are not inaccurate, misleading, or otherwise, in violation of the privacy rights of students. Parents may have an opportunity to correct or delete any such inaccurate, misleading or otherwise inappropriate data contained in the record. They also have the right to insert into the educational record a written explanation regarding the content of the records.
3. Educational record is defined as those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency. It does not include (a) records of instructional, supervisory, and administrative personnel which are not accessible or revealed to any other person except a substitute; (b) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;
4. Parental consent **is not required** when records are released to the following:
 - other school officials, including teachers within the educational institution or LEA who have legitimate educational interests;
 - officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
 - in connection with a student's application for, or receipt of, financial aid;
 - organizations conducting studies for, or on behalf of, education agencies (with restrictions);
 - accrediting organizations in order to carry out their accrediting functions;

- in connection with an emergency, other appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and
 - in connection with a subpoena.
5. In some instances, the school district **is required** to **notify** the parents that the student's records are being released. This notification can be made in a letter to the parents or as part of the standard board policy. All records may be released, including academic and discipline records, special education records, and SST records.
 6. In all other cases, parental consent must be obtained and must specify:
 - records to be released
 - the reasons for such release, and to whom,Copies of the records must be provided to the parent or student if requested.
 7. Educational agencies must maintain a record to be kept with the educational records of each student, which will indicate all individuals (other than those specified above) agencies, or organizations that have requested or obtained access to a student's educational records and that will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information.
 8. "Directory information" may be released without parental consent, provided parents have been given public notice of what information is released. Directory information may include the following:
 - students names
 - addresses
 - telephone listing
 - electronic mail address
 - photograph
 - date and place of birth
 - major field of study
 - dates of attendance
 - grade level
 - enrollment status (e.g. undergraduate or graduate, full-time or part-time)
 - participation in officially recognized activities and sports
 - weight and height of members of athletic teams
 - degrees, honors and awards received
 - most recent previous educational agency or institution attended
 9. Personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.
 10. Both parents have equal access to their child's educational records unless a court document can be produced which denies access or terminates parental rights to review the records. Either parent can grant permission in writing to a third party, such as a stepparent.

11. Rights are transferred to the student at age 18.

12. Parents must be notified of all rights under FERPA.