

GENERAL

FERPA General Guidance for Students

General Information

FERPA is a Federal law that applies to educational agencies and institutions that receive funding under a program administered by the U. S. Department of Education. The statute is found at 20 U.S.C. § 1232g and the Department's regulations are found at 34 CFR Part 99.

Under FERPA, schools must generally afford students who are 18 years or over, or attending a postsecondary institution:

- access to their education records
- an opportunity to seek to have the records amended
- some control over the disclosure of information from the records.

Access to Education Records

Schools are required by FERPA to:

- provide a student with an opportunity to inspect and review his or her education records within 45 days of the receipt of a request
- provide a student with copies of education records or otherwise make the records available to the student if the student, for instance, lives outside of commuting distance of the school
- redact the names and other personally identifiable information about other students that may be included in the student's education records.

Schools are not required by FERPA to:

- Create or maintain education records;
- Provide students with calendars, notices, or other information which does not generally contain information directly related to the student;
- Respond to questions about the student.

Amendment of Education Records

Under FERPA, a school must:

- Consider a request from a student to amend inaccurate or misleading information in the student's education records;

- Offer the student a hearing on the matter if it decides not to amend the records in accordance with the request;

- Offer the student a right to place a statement to be kept and disclosed with the record if as a result of the hearing the school still decides not to amend the record.

A school is not required to consider requests for amendment under FERPA that:

- Seek to change a grade or disciplinary decision;
- Seek to change the opinions or reflections of a school official or other person reflected in an education record.

Disclosure of Education Records

A school must:

Have a student's consent prior to the disclosure of education records;
Ensure that the consent is signed and dated and states the purpose of the disclosure.

A school MAY disclose education records without consent when:

The disclosure is to school officials who have been determined to have legitimate educational interests as set forth in the institution's annual notification of rights to students;
The student is seeking or intending to enroll in another school;
The disclosure is to state or local educational authorities auditing or enforcing Federal or State supported education programs or enforcing Federal laws which relate to those programs;
The disclosure is to the parents of a student who is a dependent for income tax purposes;
The disclosure is in connection with determining eligibility, amounts, and terms for financial aid or enforcing the terms and conditions of financial aid;
The disclosure is pursuant to a lawfully issued court order or subpoena; or
The information disclosed has been appropriately designated as directory information by the school.

Annual Notification

A school must annually notify students in attendance that they may:

Inspect and review their education records;
Seek amendment of inaccurate or misleading information in their education records;
Consent to most disclosures of personally identifiable information from education records.

The annual notice must also include:

Information for a student to file a complaint of an alleged violation with the FPCO;
A description of who is considered to be a school official and what is considered to be a legitimate educational interest so that information may be shared with that individual; and
Information about who to contact to seek access or amendment of education records.

Means of notification:

Can include student newspaper; calendar; student programs guide; rules handbook, or other means reasonable likely to inform students;
Notification does not have to be made individually to students.

Complaints of Alleged Violations:

Complaints of alleged violations may be addressed to:

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920
Phone: (202) 260-3887

Complaints must:

Be timely submitted, not later than 180 days from the date you learned of the circumstances of the alleged violation

Contain specific allegations of fact giving reasonable cause to believe that a violation has occurred, including:

Relevant dates, such as the date of a request or a disclosure and the date the student learned of the alleged violation;

Names and titles of those school officials and other third parties involved;

A specific description of the education record around which the alleged violation occurred;

A description of any contact with school officials regarding the matter, including dates and estimated times of telephone calls and/or copies of any correspondence exchanged between the student and the school regarding the matter;

The name and address of the school, school district, and superintendent of the district;

Any additional evidence that would be helpful in the consideration of the complaint.