

FERPA

History

FERPA signed into law August 21, 1974

- ◆ Amendments:
- ◆ Buckley Amendment
- ◆ Campus Security Act
- ◆ Improving America's School Act
- ◆ Law Enforcement Unit Exception
- ◆ Higher Education Amendments of 1998

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law designed to provide parents or eligible students the right to:

- ◆ Inspect & review education records;
- ◆ Seek to amend education records;
- ◆ Have some control of disclosure of information from education records.

Educational institutions:

- ◆ Must notify parents and eligible students annually of their rights under FERPA;
- ◆ Must receive written consent from the parent or eligible student to release information contained within the education record;
- ◆ May disclose "Directory Information" from students' records without written consent.

FERPA requires that all educational agencies or institutions receiving any form of funding from the U.S. Department of Education create and adhere to policies that support this Law.

Definitions

Eligible Student

A student who has reached the age of eighteen or is attending any school beyond the high-school level.

Education Records

Those records, files documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution.

Exceptions to Education Records

1. Records in the sole possession of instructional, supervisory, and administrative personnel;
2. Records of a law enforcement unit which are kept apart from "education records" and are maintained by a law enforcement unit of the educational agency or institution that was created by that law enforcement unit for the purpose of law enforcement;
3. Records of employees who are not also in attendance and;
4. Physician, psychiatrist or psychologist treatment records for eligible students.

Consent

Parents or eligible students will provide a signed and dated written consent before an institution discloses personally identifiable information from the student's education records. Written consent must

- ◆ Specify the records that may be disclosed;
- ◆ State the purpose of the disclosure and;
- ◆ Identify the parties or class of parties to whom the disclosure may be made.

Exceptions to Consent

1. Other school officials with legitimate educational interests;
2. Other schools or school systems in which the student plans to enroll;
3. Authorized representatives of the Comptroller of the U.S., the Secretary, an administrative head of an educational agency or state educational authorities;
4. For use in a student's application for financial aid.
5. A judicial order or any lawfully issued subpoena;
6. State and local officials or authorities to whom such information is specifically required to be reported;
7. Organizations conducting studies for or on behalf of, educational agencies;
8. Accrediting organizations in order to carry out their accrediting functions;
9. Parents of dependent students as defined in the Internal Revenue Code;
10. In connection with an emergency, to protect the health or safety of the student or other persons.
11. Post-secondary institutions may disclose to an alleged victim of any crime of violence the results of any disciplinary proceeding.
12. Federal grand jury subpoena (without notice to parent or eligible student) and any other subpoena issued for a law enforcement purpose (with notice to parent or eligible student).
13. Post-secondary institutions may disclose the final results of any disciplinary proceeding for a crime of violence or non-forcible sex offense to anyone if the

institution determines that the student committed a violation of its rules with respect to the crime;

14. Post-secondary institutions may disclose to a parent or legal guardian, information regarding a student's violation of any law or institutional rule or policy governing the use of possession of alcohol or a controlled substance if the student is under the age of 21 and the institution has determined that the student has committed a disciplinary violation.

Directory Information

The student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

Educational Institutions must inform parents and eligible students about the specific information that will be included in the "directory information" and allow ample time for request to not include their individual information.

Resources

Family Policy Compliance Office

<http://www.ed.gov/offices/OM/fpco/>

Association of Student Judicial Affairs

<http://asja.tamu.edu/>