

## **FAST FACTS**

### **Family Educational Rights and Privacy Act (FERPA)**

Under FERPA, public schools must generally afford the parents of students under the age of 18:

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

#### **1. 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 a reasonable amount of time, or no later than 45 days after receipt of a request.
- Provide copies of education records or otherwise make the records available to the student.
- Redact the names and other personally identifiable information (PII) about other students that may be included in the student's education records.
  - PII includes: the names of the student and his or her family members, location and date of birth, contact information, social security number, and other information that indirectly identifies the student with a reasonable degree of certainty.

#### **2. 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 a hearing on the matter if it decides not to amend the records in accordance with the request.
- Offer the student the right to submit an explanatory 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 disability placement and disciplinary decisions.
- Seek to change the school official opinions reflected in an education record.

#### **3. Disclosure of Education Records**

A school must:

- Obtain parental consent, which contains the purpose of the disclosure and the option to opt-out of the disclosure.
- Ensure the parental consent is signed and dated.

A school MAY disclose education records without consent when:

- Disclosure is to school officials who have been determined to have legitimate educational interests as set forth in the district's annual notification of rights to students.
- The student is seeking or intending to enroll in another school or district.
- Disclosure is to state or local educational authorities auditing or enforcing Federal or State supported education programs.
- Disclosure is pursuant to a lawfully issued court order or subpoena; or
- Information disclosed has been appropriately designated as directory information by the school.
  - Directory information includes student ID number, contact information, date of birth. It NEVER includes a student's social security number. Disclosure of this information can only occur after giving parents notice and the right to opt out.

#### 4. 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 PII from education records.
- File a complaint with the FPCO if the parent believes there has been a violation of FERPA.

The annual notice must also include:

- Information on how to file a complaint of an alleged violation.
- 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
- The procedure for inspecting and reviewing a student's educational records
- The procedure for requesting an amendment to a student's educational records
- Contact information on who to contact to seek access or amendment of education records.

#### 5. Means of notification

The notification can be included in the student handbook or other means likely to inform students.

#### 6. Complaints of Alleged Violations

Complaints of alleged violations may be addressed to:

**Family Policy Compliance Office (FPCO)  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920**

Complaints must:

- Be submitted not later than 180 days from the date the parent learned of the alleged violation
- Contain specific allegations 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 parent 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 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.

#### Contact Information

If you have questions regarding this Fast Facts, please contact:

Division of Student Support & Innovation  
Telephone: (888) 605-1951  
Fax: (701) 328-0203