

## **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.
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## **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.