



## FERPA: A Guide to Educational Privacy

### What is FERPA?

FERPA, or Family Education Rights and Privacy Act, was passed in 1974 in order to give students over 18 years of age (or the student's parents, if they are claimed as a dependent) the right to inspect, review, request corrections or stop the release of anything regarding the student's educational record to third party entities.

This act applies to any public or private elementary, secondary, or post-secondary school and any state or local education agency that receives federal funds. FERPA requires these federally funded institutions to comply with certain procedures with regard to disclosing and managing educational records. FERPA does not require a school to notify parents individually of their rights under FERPA. Rather, the school may provide the annual notification by any means likely to inform parents of their rights (i.e. student handbook, in a notice to parents, in the local newspaper, posted in a central location at the school or other areas throughout the school).

### What types of information make up an educational record?

#### 1) Directory Information & Personally Identifiable Information (PII)

Directory information and PII means information contained in the education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

##### Examples of Directory Information & PII:

- Name
- Address
- Telephone listing
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent education or institution attendance

## 2) Educational Information

Since the inception of FERPA, the issue of what constitutes “educational information” has been highly contested. Despite this contention, it is clear that educational information includes a student’s transcripts, GPA, grades, social security number, test scores, certain psychological evaluations, and disciplinary records. This information may only be released with the signature of the eligible student or parent.

### Use of Information

FERPA allows schools to disclose information from a student’s education record or directory information, without consent, to the following third parties or under the following circumstances:

- 1) School officials with legitimate educational interest
- 2) Other schools to which a student is transferring
- 3) Specified officials for audit or evaluation purposes
- 4) Appropriate parties in connection with financial aid to a student
- 5) Organizations conducting certain studies for, or on behalf of, the school
- 6) Accrediting organizations
- 7) Appropriate officials in cases of health and safety emergencies
- 8) State and local authorities, within a juvenile justice system, pursuant to specific state law
- 9) To comply with a judicial order or lawfully issued subpoena

FERPA also limits the subsequent disclosure of the information by the third party.

The primary purpose of the directory information exception to FERPA is to allow educational institutions to include this type of information in certain school publications, etc. It also allows for the publicity of student accomplishments or specific educational programs to be on electronic and print media. Examples include the yearbook, honor roll or other recognition lists, graduation programs, sports activity sheets, etc.

### Actions to be Taken

If you do not want your child’s school to disclose directory information from your child’s education records without your prior written consent, you must fill out the FERPA opt out form (contact your school’s principal or administrators for further details as each school dictates their own privacy policies). Parents and guardians who opt a student out of FERPA may provide written confirmation for a student to be included in a specific place where directory information is used.

If an eligible student or parent decides to “opt out” of the disclosure of directory information, the opt out continues indefinitely. Therefore, an educational institution cannot release such information even after a student is no longer in attendance.

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