

# FACT SHEET

## FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT OF 1974 (FERPA)

The FERPA is a Federal law designed to protect the privacy of a student's education records. The law applies to all schools which receive funds under an applicable program from the U.S. Department of Education.

The FERPA gives certain rights to parents regarding their children's education records. These rights transfer to the student or former student who has reached the age of 18 or is attending any school beyond the high school level. Students and former students to whom the rights have transferred are called eligible students.

-- Parents or eligible students have the right to inspect and review all of the minor student's education records maintained by the school. Schools are not required to provide copies of materials in education records unless, for reasons such as great distance, it is impossible for parents or eligible students to inspect the records personally. The school may charge a fee for copies. Student records are archived at the school for at least five years following graduation or withdrawal.

-- Parents and eligible students have the right to request that a school correct records believed to be inaccurate or misleading. If the school refuses to change the records, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still refuses the correction, the parent or eligible student has the right to place a statement in the records commenting on the contested information in the records.

-- Generally, the school must have written permission from the parent or eligible student before releasing any information from a student's record. However, the law allows schools to disclose records, without consent, to the following parties:

- \* School employees who have a need-to-know;
- \* Other schools to which a student is transferring;
- \* Parents when a student over 18 is still dependent;
- \* Certain government officials in order to carry out lawful functions;
- \* Appropriate parties in connection with financial aid to a student;
- \* Organizations doing certain studies for the school
- \* Accrediting organizations;
- \* Individuals who have obtained court orders or subpoenas;
- \* Persons who need to know in cases of health and safety emergencies;
- \* State and local authorities to whom disclosure is required by state laws adopted

before

November 19, 1974.

■ Schools may also disclose, without consent, "directory" type information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, the school must tell parents and students of the information that is designated as directory information and provide a reasonable amount of time to allow the parent or eligible student to request the school not to disclose that information about them.

■ Schools must notify parents and eligible students of their rights under this law. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to each school.

■ Schools must adopt a written policy about complying with the FERPA. Schools must give the parent or eligible student a copy of the policy, on request.

■ If you wish to see your child's education records, or if you are over 18 or are attending college and would like to see your records, you should contact the school for the procedure to follow.

■ If you have any questions about the FERPA, or if you have problems in securing your rights under this Act, you may call (202)401-2057 or write to: Family Policy Compliance Office, Department of Education, 400 Maryland Avenue, S.W., Room 3017, Washington, DC 20202-4605.