

What is the Family Educational Rights and Privacy Act?

The Family Educational Rights and Privacy Act (FERPA) is a Federal Law that protects the rights of a student's education records. The law applies to all schools that receive funds under the U.S. Department of Education. FERPA gives parents certain rights with respect to their child's education records. When a child turns 18 these rights are transferred to the student. Students age 18 and over are "eligible students" and have the right to request their own records. Under this law the school is required to make the education records available for review by the parent or eligible student 45-days after the school has received the request.

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

What are Education Records under FERPA?

"Education Records" are records that are directly related to a student and maintained by an educational institution or agency. These records include but are not limited to grades, transcripts, class lists, student's schedules, health records (K-12), student financial information (postsecondary-college) and student discipline files. The information may be recorded in any way including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, and email.

<https://studentprivacy.ed.gov/faq/what-education-record>.

What are Parents and Students Rights?

- Parents or eligible students have the right to review the student's education records maintained by the school.

- Parents or eligible students have the right to request that a school correct records which they believe to be incorrect or misleading. The school has the right to refuse this request. If the school decides not to amend or change the record, the parent or eligible student has a right to a formal hearing. If after the hearing, the school still decides not to make corrections to the students record the parent or eligible student can submit a statement of their view to the education records.
- Parents or eligible students have the right to be informed of "directory" information and be given a reasonable period to request their information not be released to the public.

Annual Release of FERPA Rights

Under FERPA, schools must annually (yearly) inform parents of students in attendance of their rights under this law. Schools can notify parents and eligible students in a variety of ways. This can include, but is not limited to, a student handbook, in a notice to parents, in a calendar of events, school website, various locations at the school, etc. Schools are not required to individually notify parents and therefore it is recommended that parents and eligible students become familiar with the communication mediums of their individual school.

Information Schools Can Release without Consent

Generally, schools must have written permission from the parent or eligible student to release any information from the student's education records. However, FERPA grants schools' certain exceptions to this rule. FERPA grants permission to schools to release education records, without consent from parents or eligible

students to the following parties or under certain circumstances:

- School officials with legitimate educational interest.
- Other schools to which a student is transferring.
- Specified officials for audit or evaluation purposes.
- Purposes of financial aid.
- Organizations conducting certain studies for or on behalf of the school.
- Accrediting organizations.
- To comply with a judicial order or lawfully issued subpoena.
- Health and Safety Emergencies.
- State and local authorities, within a juvenile justice system, pursuant to specific state law.

Schools may also release or disclose, without consent, "directory" information. This includes the students name, address, phone number, date/place of birth, honors/awards, and dates of attendance. Schools must tell parents and eligible students about directory information and give them a reasonable amount of time to request that their information not be disclosed.

Are Private Schools under FERPA?

Religious (parochial) and private schools at the elementary and secondary levels are not generally funded by the U.S. Department of Education and therefore do not need to follow the rules under this law (FERPA). However, private postsecondary schools (colleges) are subject to FERPA since they generally receive U.S. Department of Education funds.

FERPA and Virtual Learning

The US Department of Education's Student Privacy Policy Office lists resources, guidance regarding virtual learning and privacy requirements. To learn more, click on the following link <https://studentprivacy.ed.gov/>

These resources address safeguarding student's privacy while using online educational services and will address frequently asked questions regarding FERPA and Virtual Learning.

Filing a FERPA Complaint

To file a complaint with FERPA, the parent or eligible student must have "standing". That is the parent or eligible student must have suffered an alleged violation of his or her rights under this law. A complaint must be filed to the Office within 180-days of the date that complainant knew or reasonably should have known about the violation.

To receive a complaint form and guidance click on the following link:

<https://studentprivacy.ed.gov/file-a-complaint>

Complaints may be submitted online to:

FERPA.Complaints@ed.gov

Mail Complaint Submissions to the following address:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Ave, SW
Washington, DC 20202-8520

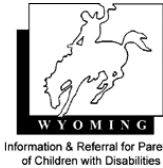
References

U.S. Department of Education

For more information on

FERPA

CONTACT:



Parent Information Center

2232 Dell Range Blvd Suite 204
Cheyenne WY 82009
(307) 684-2277
(888) 389-6542 (fax)
E-mail: info@wpic.org
Website: www.wpic.org

PHP of WY is a non-profit, 501(c) 3 organization; therefore, your donation is tax deductible. We welcome all donations. Every donation helps us strengthen our network of support for families.

The contents of this brochure were developed under a grant from the U.S. Department of Education. However, the contents do not necessarily represent the policy of the Department of Education, and endorsement by the Federal Government should not be assumed.

FERPA

Disability Brochure #38



Family Educational Rights and Privacy Act

Parent Information Center

1 (307) 684-2277

A Project of
Parents Helping Parents
of Wyoming, Inc.