

FERPA General Guidance for Parents

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. Parochial and private schools at the elementary school levels do not generally receive such funding and, therefore, are not subject to FERPA. 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 parents: -access to their children's education records -an opportunity to seek to have the records amended -some control over the disclosure of information from the records.

Parents may access, seek to amend, or consent to disclosures of their children's education records, unless there is a court order or other legal document specifically stating otherwise. When a student turns 18 years of age or attends a postsecondary institution, the student, and not the parent, may access, seek to amend, and consent to disclosures of his or her education records.

Access to Education Records

Schools are required by FERPA to:

- provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request
- provide a parent with copies of education records or otherwise make the records available to the parent if the parent, 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 child's education records.

Schools are not required by FERPA to:

- Create or maintain education records;
- Provide parents 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 parent to amend inaccurate or misleading information in the child's education records;
- Offer the parent a hearing on the matter if it decides not to amend the records in accordance with the request;
- Offer the parent 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;
- Seek to change a determination with respect to a child's status under special education programs.

Disclosure of Education Records:

A school must:

- Have a parent'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 school district's annual notification of rights to parents;
- The student is seeking or intending to enroll in another school;
- The disclosure is to state or local educational authorities auditing or evaluating Federal or State supported education programs or enforcing Federal laws which relate to those programs;
- The disclosure is pursuant to a lawfully issued court order or subpoena; and
- The information disclosed has been appropriately designated as directory information by the school.

Annual Notification

A school must annually notify parents of students in attendance that they must allow parents to:

- Inspect and review their children's education records;
- Seek amendment of inaccurate or misleading information in their children's education records;
- Consent to most disclosures of personally identifiable information from education records.

The annual notice must also include:

- Information for a parent 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 person;
- Information about who to contact to seek access or amendment of education records.

Means of notification:

- Can include local or student newspaper; calendar; student programs guide; rules handbook, or other means reasonable likely to inform parents;
- Notification does not have to be made individually to parents.

Complaints of Alleged Violations:

Complaints of alleged violations may be addressed to:

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901
Phone: (202) 260-3887

Complaints must:

- Be timely submitted, not later than 180 days from the date you learned of the circumstances of the alleged violation
- Contain specific allegations of fact 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 dates and estimated times of telephone calls and/or copies of any correspondence exchanged between the parent 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.