

FERPA General Guidelines for Parents *from www.ed.gov*

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

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.

FERPA Frequently Asked Questions and Answers are found here:

<http://www.ed.gov/policy/gen/guid/fpco/faq.html>

FERPA General Guidance for Students from www.ed.gov

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.

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.

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 20202-5920

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 student 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 student 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.

FERPA: Model Notice for Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that [School District], with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, [School District] may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the [School District] to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.^{[\(1\)](#)}

If you do not want [School District] to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by [insert date]. [School District] has designated the following information as directory information: [Note: an LEA may, but does not have to, include all the information listed below.]

- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Electronic mail address
- Photograph
- Degrees, honors, and awards received
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended

Footnotes:

¹These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

Protection of Pupil Rights Amendment (PPRA)

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98) applies to programs that receive funding from the U.S. Department of Education (ED). PPRA is intended to protect the rights of parents and students in two ways:

It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with an ED-funded survey, analysis, or evaluation in which their children participate; and

It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student and his/her family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents or students who believe their rights under PPRA may have been violated may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339. Or you may contact us at the following address:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920**

PPRA for Parents

The Protection of Pupil Rights Amendment (PPRA) is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. Briefly, the law requires that schools obtain written consent from parents before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning the following areas:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student and his/her family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent*; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.)

The No Child Left Behind Act of 2001 contains a major amendment to PPRA that gives parents more rights with regard to the surveying of minor students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. In addition, an eighth category of information (*) was added to the law.

You may read more about the specific changes to the law by going here:

<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht04-10-02.html>

The Department will be updating the PPRA regulations to reflect these changes.

Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) -

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of -

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use -

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

This school district has developed policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The district will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The district will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The district will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such

activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

Collection, disclosure, or use of personal information for marketing, sales or other distribution.
Administration of any protected information survey not funded in whole or in part by ED.
Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5901