



## **What is FERPA?**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law designed to protect the privacy of student education records. FERPA prohibits disclosure of education records without consent, except under certain circumstances. It also provides parents and eligible students with the right to review their educational records, and to seek to amend those records.

## **To Whom Does FERPA Apply?**

FERPA applies to educational agencies and institutions, including charter schools, which receive federal funding under any program administered by the Department of Education.

FERPA protects the education records of students who are currently enrolled, or were formerly enrolled, at a school or school district that is subject to FERPA. It does not protect the records of students who have applied to, but have not enrolled in, a subject school.

FERPA rights transfer from the parent to the student at the age of 18, or when the student attends a postsecondary school. Students to whom FERPA rights have transferred are referred to as "eligible students."

## **What is an Education Record?**

FERPA defines "education records" to include any records that are directly related to a student and that are maintained by a school or a party acting for or on behalf of the school. Examples include student-level contact and demographic information, grades, class lists, course schedules, health records, and student discipline files.

## **When Must a School Have Consent to Disclose Education Records?**

Schools must have written consent from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose education records without consent to the following parties and under the following conditions:

- School officials and contractors with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.
- Parties requesting directory information, when parents have received notice of the school's directory information policy and have not opted out of disclosure.

## **What is Directory Information?**



## A D V O C A T E S

Schools may disclose education records that have been appropriately designated as "directory information" without prior consent. Before doing so, a school must provide notice of the types of information it has designated as "directory information," the parent or eligible student's right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to opt out of disclosure of that information. If a parent or eligible student requests that directory information not be disclosed, the school must honor that request until otherwise notified.

FERPA defines directory information as information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Examples of directory information include:

- Student's and parents'/guardians' names;
- Address;
- Electronic mail address;
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Degrees, honors, and awards received; and
- The most recent educational agency or institution attended.

### **What Rights do Parents and Eligible Students Have to Access Education Records?**

FERPA affords parents and eligible students with the right to inspect and review their education records maintained by the school. In cases where it is impossible for the parents or eligible students to review the records, FERPA requires schools to provide copies of the records, but permits schools to charge a reasonable fee for the copies.

Parents and eligible students also have the right to request that a school amend records which they believe to be inaccurate. If the school does not amend the record, the parent or eligible student then has the right to a hearing on the matter, and to include a statement with the record setting forth his or her view about the disputed information.

### **What Notices Must Schools Provide to Parents and Eligible Students?**

Schools must annually notify parents and eligible students of their rights under FERPA. Annual notifications must include information about the rights of parents and eligible students to inspect and review education records and the procedures to do so; to seek amendment of records the parent or eligible student believes are inaccurate and the procedures to do so; to consent to disclosures of education records unless an exception applies, and to file a complaint concerning potential violations.

***We strongly encourage you to consult your legal counsel when determining how to comply with FERPA, including when adopting policies and issuing notices in connection with FERPA obligations.***

You may also visit the [U.S. Department of Education website](#) for more information about charter school's obligations under FERPA, including [frequently asked questions](#) and [sample notices](#).