

WHAT IS THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)?

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

THE RIGHT TO INSPECT RECORDS

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

ý A parent or student aged 18 or older has the right to inspect any school records at any time.

THE RIGHT TO CORRECT RECORDS

Parents or eligible students have the right to request that a school correct records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

ý Records that a parent or qualified student considers inaccurate or misleading may be changed by mutual consent.

ý If the parties involved cannot agree, an adversarial hearing process is available. This hearing is conducted by an impartial third party appointed by the Oklahoma State Department of Education and is done at school district expense.

THE RELEASE OF RECORDS AND RULES FOR DISCLOSURE

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- ý school officials with legitimate educational interest
- ý other schools to which a student is transferring
- ý specified officials for audit or evaluation purposes
- ý appropriate parties in connection with financial aid to a student
- ý organizations conducting certain studies for or on behalf of the school
- ý accrediting organizations
- ý to comply with a judicial order or lawfully issued subpoena
- ý appropriate officials in cases of health and safety emergencies
- ý state and local authorities, within a juvenile justice system, pursuant to specific state law

STUDENT DIRECTORY INFORMATION

"Directory Information" consists of information necessary to publish such things as honor rolls, athletic programs, or conduct awards assemblies, etc. It does *not include a student's school*

records or address or phone number. Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

PERSONAL RECORD KEPT BY A SCHOOL STAFF MEMBER

Educators keep certain records without providing access to parents or eligible students. These records under FERPA include a personal record kept by a school staff member, which meets the following tests:

ý It was made as a personal memory aid.

ý It is in the personal possession of the individual who made it.

ý Information contained in it has *never been* revealed or made available to any other person except the maker's temporary substitute.

Q. *How do I decide what information to collect about a student?*

A. You can check state and local laws and regulations as well as school board policies for the types of information you are required to collect. Other than these requirements, agency or school staff should carefully consider the needs for the information against the costs and burden of collecting it.

Q. *Must I have permission from the parents to give an achievement test to a student?*

A. Permission from parents is not usually needed for achievement testing unless state or local policies related to obtaining parental permission already exist. In general, you should inform parents of the purposes and uses of testing and whether it is mandatory.

Q. *How responsible am I for the accuracy of the student data I receive?*

A. In general, data collectors are more ethically than legally responsible. You can promote the accuracy and integrity of the data in several ways.

Q. *When can I destroy student records? When not?*

A. Agencies or schools may establish their own policies, based on federal and state legal requirements, to determine the length of time records or portions of records are kept.

Q. *Can I use Social Security numbers to identify or match education records?*

A. Yes, you may use Social Security numbers if your state has no prohibition against using them. However, you may not require students to provide them. It is important for you to inform students or parents if agencies or schools intend to use these numbers.