

Family Educational Rights and Privacy Act (FERPA)

- If the school decides not to amend, it must inform the parents of their rights to a hearing.
- After the hearing is held, if the decision is not to amend the records, the parents have a right to insert a statement of disagreement in the records. This statement must be maintained with the contested part of the record and disclosed whenever that part of the student record is released. If, as a result of the hearing, the decision is that the information is inaccurate, misleading, or a violation of the privacy rights of the student, the school will amend the record and inform the parent in writing of the amendment.

Are there any special provisions regarding the right to inspect records that apply to students with disabilities?

Yes. In accordance with the Individuals with Disabilities Education Act (IDEA), a parent of a student with a disability has the right to receive a response from a participating agency to a reasonable request for explanation. The parents also have a right to interpretations of the records and for a representative to inspect and review the records.

May an education agency or institution charge a fee for copies of education records?

Yes, unless imposing a fee effectively prevents a parent from exercising his or her right to inspect and review records. State Board of Education rule requires that school board policy for education records include a schedule of fees for copies of the records that does not exceed the cost of reproduction or retrieval of the records.

Do the rights of noncustodial parents differ from those of custodial parents?

No. FERPA affords full rights to either parent unless the school has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights.

Do stepparents have parental rights under FERPA?

FERPA allows a stepparent to exercise all record-access rights granted to a parent when the stepparent is present in the home on a day-to-day basis, together with the child and a natural parent, and the other parent is absent.

Where can I find more information about FERPA?

A technical assistance paper is available at the Florida Department of Education website at <http://www.fldoe.org/ese/tap-home.asp>.

Parents can also contact:

Florida Department of Education
Student Support Services Project
325 W. Gaines Street, Suite 644
Tallahassee, FL 32399
Phone: (850) 245-7851
<http://sss.usf.edu>

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920
Phone: (800) 872-5327
<http://www2.ed.gov/policy>

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Florida Department of Education
Dr. Eric J. Smith, Commissioner
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Florida Department of Education

Student education records are official and confidential documents protected by one of the nation's strongest privacy protection laws, the Family Educational Rights and Privacy Act (FERPA). FERPA, also known as the Buckley Amendment, defines educational records as all records that schools maintain about students.

FERPA gives parents the right to review and confirm the accuracy of education records. These rights transfer to the student when the student turns 18 years old or attends a postsecondary institution. At this time, the student is designated as an "eligible student" and holds the same rights as his or her parent held with respect to education records.

Prior consent is not required for schools to disclose information from an eligible student's education record to the parents if the eligible student is a dependent for tax purposes under the Internal Revenue Service rules.



The primary rights of parents and eligible students under FERPA are the right to:

- Inspect and review education records
- Seek amendments to education records
- Have some control over the disclosure of information from educational records

Commonly Asked Questions

To which educational agencies or institutions do the FERPA regulations apply?

FERPA applies to public schools and state or local education agencies that receive federal education funds. Juvenile justice educational programs are funded by a responsible school district and are subject to these regulations. Most private and parochial schools at the elementary and secondary level do not receive these federal funds and, therefore, are not subject to FERPA.

Do FERPA regulations apply to charter schools?

Yes. Charter schools are considered public schools, so FERPA regulations apply.

If a student attends a private school on a McKay Scholarship, does FERPA apply to that private school?

McKay Scholarships are supported by state (not federal) funds. If a student attends a private school on a McKay Scholarship, FERPA requirements do not apply to that school by virtue of the acceptance of scholarship funds. However, FERPA does apply if the private school receives funding from the U.S. Department of Education.

What rights exist for a parent or an eligible student to inspect and review education records?

State Board of Education rules state that the district must comply with a request within a reasonable period of time, but in no case more than 30 days after it has been made.

What limitations exist on the right to inspect and review records?

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only their specific information.

Do military recruiters have access to student information?

Yes. The No Child Left Behind Act requires local education agencies to provide military recruiters with the name, address, and telephone listing of secondary students. School districts must give parents the option to request that the information not be released.

Can a school disclose information in a health or safety emergency?

Yes. In an emergency, FERPA permits school officials to disclose, without consent, education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals.

What conditions apply to disclosing directory information?

An institution may disclose directory information if it has given public notice to parents of students regarding:

- What the school has designated as directory information
- A parent's right to refuse to let the school designate any or all of the information about the student as directory information
- The time within which a parent must notify the school in writing that he or she does not want any or all of those types of information designated as directory information

What are the procedures for amending education records?

- The parent should identify, in writing to the school, the portion of the records believed to be inaccurate, misleading, or a violation of the privacy rights of the student.
- The school must decide within a reasonable period of time whether to amend as requested.