

FERPA - The Family Educational Rights and Privacy Act

FERPA is the federal law that gives parents the right to access their child's education records, the right to have their child's education record amended and some control over the release of personally identifiable information found in the child's education record. When the child turns 18 years or enters post-secondary education, these rights transfer to the child.

What does this mean?

Parents have the right to review the child's education record within a reasonable period of time.

- The school must make a record available to a parent within 45 days of a request.
- Schools may not charge a fee for searching for or retrieving a record.
- Schools may charge a fee for copying a record, but must provide a copy if parents live at a distance that makes coming to review a record difficult.

Parents have the right to request the child's record be amended.

- Parents may request that a change be made to the record if they believe the record contains false information.
- Schools are not required to change the information if they believe the information is accurate.
- In the situation where schools do not agree to change the information, parents have the right to have a statement inserted in the record that details their disagreement. This statement remains a permanent part of the child's record.

Parents have some control over the release of personally identifiable information regarding their child.

- Parents must consent to the release of personally identifiable information except in the cases of
 1. a request by a school in which the child intends to enroll or is seeking to transfer. However, in this instance, the school must make a reasonable request to inform the parent.
 2. school officials who have a legitimate educational interest including teachers, consultants, or volunteers who have legitimate education interest may use the information only for the purposes that the disclosure was made and who may not redisclose the information to others.
 3. information that is considered school directory information such as name, address, telephone number **IF** a parent has not opted out of this disclosure.
 4. Information provided to a state or local education agency as part of an audit
 5. Information provided to a child welfare agency regarding a foster child or to a juvenile justice agency regarding the capacity to serve a child effectively
 6. To comply with a judicial order or lawfully issued subpoena
 7. To organizations providing studies for the school to improve instruction
 8. In connection with a health or safety emergency

Parents are informed annually of their rights under FERPA and IDEA and their right to file a complaint. Your school director/principal can provide more information about where and how to file a complaint.

Additional Parent Rights under the Individuals with Disabilities Education Act

Under IDEA, parents also have the right to:

Examine files related to the identification, evaluation and educational placement of their child.

Participate in meetings related to these activities.

Have an independent educational evaluation of their child.

Request a meeting in the event that a program does not grant their request to amend the child's education record when they deem information incorrect or misleading

Under IDEA, personally identifiable information means:

(a)The name of the child, the child's parent, or other family member;

(b)The address of the child;

(c)A personal identifier, such as the child's social security number or student number; or

(d)A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99.

Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If a child is enrolled, or is going to enroll in a private school that is not located in the LEA [local educational agency] of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures.

A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

Parents have the right to request explanation and interpretation of any records prior to an IEP meeting and the right to have a representative they designate to review the records. The only time a parent may be denied access to records is in the event that the agency has been advised that as a result of a separation, divorce or guardianship decision denies them that right.

An agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act [IDEA] (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Each participating agency must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.