

A PEATC

Do You Know....



Fact Sheet for Virginia's Parents Family Educational Records and Privacy Act (FERPA)

What is FERPA and What are My Rights Under FERPA?

The Family Education Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records and gives parents **certain** rights with respect to their student's educational records. These rights transfer to the student at age 18. FERPA applies to all students, not just those with disabilities.

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.

Make your request to access records in writing. Provide the student's name, grade, date of birth and the specific records being requested. Provide a date by which you need to see the records and your contact information. **Schools may charge a fee** for copies. **Schools may not destroy records** if a request for access has been made.

Parents or students have the right to request a school correct records which they believe are inaccurate or misleading. If the school decides not to correct/change the record, the parent or 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** stating their view about the information that the parent or student believes is incorrect.

Schools must notify parents and students every year of their rights under FERPA. How they do this (letter, bulletin, flyer, etc.) is left to each school.

What can be Shared without My Consent?

Generally, **schools must have written permission** from the parent or 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:**

Resources on FERPA

U.S. Department of Education
<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

For specific FERPA Guidance you can contact the Compliance office at 1-800-872-5327 or:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

IDEA and FERPA Side by Side
<https://www2.ed.gov/policy/gen/guid/ptac/pdf/idea-ferpa.pdf>

Virginia Department of Education
http://www.doe.virginia.gov/support/technology/info_briefs/mgmt_stu_ed_records.pdf

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Fact Sheet for Virginia's Parents

- School officials with legitimate educational interest.
- Other schools to which a student is transferring.
- 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 court order or lawfully issued subpoena.
- Appropriate officials in cases of health or safety emergencies.
- State and local authorities within a juvenile justice system pursuant to specific state law.

Schools may also release, 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 students about directory information** and allow them a reasonable amount of time to request that the school not release that information.

Can I Still Access Educational Records after my Child Turns 18?

As noted previously, the right to inspect, review, and correct records passes to the student at age 18. **Here are some ways for you to remain involved.**

- The adult student can sign a **written consent** that allows you to continue to access, review, and correct records.
- The adult student can execute a legal **Power of Attorney** that allows you to act on their behalf, including access to their records. The student must have the capacity to know to understand to what they are agreeing, i.e., informed consent.
- The adult student **may allow you to review records together**, with him.
- If you are a **court appointed guardian** of the adult student, you will continue to have access to his records.

Can I File a Complaint?

Complaints must be filed with the U.S. Department of Education Family, Policy Compliance Office **within 180 days of the action** in question.

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

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Additional Information

Definition of Parent: a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

For students receiving special education services under the Individuals with Disabilities Education Act (IDEA) the definition of parent includes: biological, adoptive and foster parents; a surrogate parent; and a person acting in the parent's stead (grandparent, stepparent or other relative with whom the child lives or another individual legally responsible for the child's welfare).

Rights of Non-Custodial Parents. If you do not have custody of your child, you still have access to his educational records **unless** there is a court order or other legally binding document that revokes your rights.

Definition of Record: any information maintained in any way including but not limited to: handwriting, video or audiotape, film, computer media, print, or other medium.