



Education Justice Program

Advancing education equity and racial justice for all children.

KNOW YOUR RIGHTS: THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Did you know? FERPA is a federal law that applies to schools (public primary and secondary schools, including public charter schools; any postsecondary institution) that receive funding from programs run by the U.S. Department of Education. FERPA gives parents and "eligible students" (students over the age of 18) the right to access and amend their education records, protect their personally identifiable information, and file a complaint with the Department. Schools have to notify families of FERPA rights every year. They typically include this information in a student newspaper or student handbook.

Your Rights Under FERPA

VIEW EDUCATION RECORDS

1 Parents and eligible students have the right to request access to their education records. Schools must allow the parent or student an opportunity to review a copy of the record within 45 days of the request.

REQUEST TO AMEND EDUCATION RECORDS

2 Parents and eligible students have the right to request amendments to their education records. Schools must *consider* the request, *inform* the parent of their decision, and *offer* a hearing if the request is denied. Parents can add a statement to the record if it is not amended.

*NOTE: does not apply to "substantive" information (grades, student evaluation, records of decisions made about the student).

KEEP EDUCATION RECORDS PRIVATE

3 Parents and eligible students can choose whether or not they want to share a student's personally identifiable information in education records. They can opt out of making certain information available through school directories, such as the student's name, address, and date of birth. However, school officials can always access this information for a real academic purpose or for school enrollment.

What Are Education Records?

An education record is any record directly related to a student which contains **personally identifiable information** and is maintained by the school or a party acting on behalf of the school. Education records include records such as transcripts, disciplinary records, immunization records, etc.*
*NOTE: Any record created and kept by school resource officers or other on-site law enforcement officers is not protected under FERPA.

How to File a Complaint

Parents and eligible students who believe that their FERPA rights have been violated may file a complaint with the Student Privacy Policy Office (part of the U.S. Department of Education) at <https://studentprivacy.ed.gov/file-a-complaint>.

The complaint should:

- Be filed by the individual who has FERPA rights over the records.
- Be submitted within 180 days of the violation or knowledge of the violation.
- Include a description of the events that occurred in detail.

Education Justice Program
Tipline: 314-256-8789
EdRights App: edrights.lsem.org