

FERPA Overview

Summary

The **Family Educational Rights and Privacy Act (FERPA)** is a U.S. federal law enacted in 1974 that protects the privacy of student education records and grants parents and eligible students (18 or older, or attending postsecondary institutions) specific rights regarding those records. Administered by the U.S. Department of Education, FERPA applies to educational institutions receiving federal funding, ensuring student data (e.g., grades, transcripts, disciplinary records) is not disclosed without consent, except in specific circumstances. Non-compliance can result in loss of federal funding, though fines are rare. FERPA balances privacy with institutional needs, such as sharing data for financial aid or emergencies.

Key Requirements

FERPA imposes obligations on educational institutions to protect student privacy and ensure access to records. The main requirements are:

1. **Right to Access Records:**
 - Parents or eligible students can inspect and review education records within 45 days of a request.
 - Schools must provide copies if requested (may charge reasonable fees unless it prevents access).
 - Students can request amendments if records are inaccurate or misleading.
2. **Right to Control Disclosure:**
 - Schools must obtain written consent before disclosing personally identifiable information (PII) from education records, except in permitted cases (e.g., directory information, school officials with legitimate educational interest).
 - PII includes names, addresses, Social Security numbers, grades, or other identifiers.
3. **Directory Information:**
 - Schools may disclose “directory information” (e.g., name, enrollment status, major) without consent, but must notify parents/students annually and allow opt-out.
4. **Exceptions to Consent:**
 - Disclosures allowed to school officials, other schools (for transfers), financial aid providers, health/safety emergencies, or pursuant to subpoenas.
 - Limited sharing with organizations conducting studies for educational purposes.
5. **Annual Notification:**
 - Schools must inform parents/students of their FERPA rights annually (e.g., via student handbook, website, or email).
6. **Recordkeeping:**
 - Schools must maintain records of disclosures (except directory information) and allow parents/students to review them.
7. **Complaint Process:**

- Violations can be reported to the Department of Education’s Family Policy Compliance Office (FPCO). No private lawsuits are allowed under FERPA.

Key Update (2025 Context): Recent Department of Education guidance emphasizes digital privacy, requiring schools to secure online platforms (e.g., learning management systems) and recommend notifying parents about third-party vendors accessing student data as part of broader Department of Education guidance.

Who Is Affected

- **Educational Institutions:**
 - Public and private schools, colleges, and universities receiving federal funds (e.g., Title IV for financial aid).
 - Includes K-12 schools, postsecondary institutions, and some vocational programs.
- **Parents and Students:**
 - Parents of minor students (under 18) and eligible students (18+ or in postsecondary education) have rights to access and control records.
 - Students in higher education are primary rights holders, even if under 18.
- **School Officials and Staff:**
 - Teachers, administrators, and third-party vendors (e.g., cloud providers like Google Workspace) handling education records must comply with FERPA’s privacy rules.
- **Third Parties:**
 - Contractors or vendors (e.g., scholarship platforms, testing agencies) accessing student data under school contracts.
- **Impact of Non-Compliance:**
 - Loss of federal funding (e.g., Pell Grants, research grants).
 - Reputational damage and loss of trust from students/parents.

Relevance to Scholarships: If your scholarship program collects student data (e.g., transcripts, essays with PII), you must ensure FERPA compliance when partnering with schools or accessing education records. For example, schools may require signed consent forms from students before sharing grades.

Informational Resources

- **U.S. Department of Education FERPA Website:** ed.gov/policy/gen/guid/fpc/ferpa (primary source for FERPA regulations, FAQs, and guidance).
- **Family Policy Compliance Office (FPCO):** studentprivacy.ed.gov (offers sample notices, complaint forms, and training materials).
- **FERPA Guidance Documents:**
 - “FERPA General Guidance for Students” and “FERPA for School Officials” (free PDFs on ed.gov).
 - Annual updates on digital privacy and vendor compliance (e.g., 2023 cloud computing guidance).
- **Training Resources:**

- Free FERPA 101 and 201 courses from the Department of Education's Privacy Technical Assistance Center (PTAC).
 - Webinars and toolkits at studentprivacy.ed.gov/resources.
- **Practical Tools:**
 - Model Notification of Rights (for schools to adapt).
 - Consent form templates for disclosures (available via FPCO).
- **External Resources:**
 - National Association of Student Financial Aid Administrators (NASFAA): nasfaa.org (FERPA compliance for scholarship providers).
 - iKeepSafe FERPA Compliance Toolkit: Practical tips for schools and vendors.