



# FERPA Presentation for Elementary and Secondary Schools

In compliance with the U.S. Department of  
Education and the  
Mississippi Department of Education  
Pontotoc City School District  
Office of Federal Programs



# What is FERPA?

A federal privacy law that affords parents the right to

- Have access to their children's educational records
- Seek to have the records amended
- Consent to the disclosure of personally identifiable information from education records, except as provided by law



# FERPA Basics

What are education records?

- Education records are records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Education records do not include records such as:

- Sole possession records used as a personal memory aid (example of this would be notes taken regarding telephone or face to face conversations as long as the information is not revealed to another person, “memory joggers”)
- Law enforcement unit records
- Alumni records
- Peer-graded papers before they are collected and recorded by the teacher



# What is personally identifiable information(PII)?

- Information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- Information requested by a person who the educational agency or institution reasonably believes know the identity of the student to who the education record relates.

Examples: name, address, mother's maiden name, SSN, parent's name, DOB



# What rights do parents and eligible students have?

§99.4

- Right to inspect and review education records
- Right to request amendment of education records
- Right to consent to disclosures, with certain exceptions
- Right to file a complaint with U.S. Department of Education



# Right to inspect and review education records

§§99.10-99.12

- Schools must comply with a request to inspect and review education records within 45 days
- Schools are generally required to give copies, or make other arrangements for access, only if failure to do so would effectively deny access (example would be when a parent or eligible student who does not live within commuting distance)
- Schools may not destroy records if request for access is pending
- If the records contain information on more than one student, the requesting parent or eligible student may inspect, review, or be informed of only the specific information about his or her child's records



# Right to request amendment of education records

§99.20

-99.22

- Parent or eligible student should identify portion of record believed to contain inaccurate or misleading information.
- School must decide within a reasonable period of time whether to amend as requested.
- If school decides not to amend, must inform parent or eligible student of right to a hearing.
- After a hearing, if decision is still not to amend, parent or eligible student has a right to insert a statement in the record.



# Right to Consent to Disclosures

§99.30

Except for specific exceptions, a parent or eligible student shall provide a signed and dated written consent before a school may disclose education records.

The consent must:

- Specify records that may be disclosed
- State purpose of disclosure
- Identify party or class of parties to whom disclosure may be made



# Right to File a Complaint and Right to Annual Notification of their Rights

§99.63

§99.64

- Parent and eligible student may file a written complaint with Family Policy Compliance Office (FPCO) regarding alleged violation under FERPA
- Complaint must be submitted to FPCO within 180 days of the date of the alleged violation
- Schools must annual notify parents of student and eligible students in attendance of their rights under FERPA
  - Pontotoc City School District Student Handbook pg.12



# Exceptions to General Consent

§99.31

- To school officials with legitimate educational interests
- To schools in which a student seeks or intends to enroll
- To state and local officials pursuant to a state statute in connection with serving the student under the juvenile justice system
- To comply with a judicial order or subpoena (reasonable effort to notify parent or student at last known address.)
- To accrediting organizations
- To parents of a dependent student
- To authorized representatives of federal, state, and local educational authorities conducting and audit, evaluation, or enforcement of education programs
- To organizations conducting studies for specific purposes on behalf of schools
- In a health or safety emergency
- Directory information



# Directory Information

§99.37

- Schools may disclose, 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 eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.



# Health and Safety Emergencies

§99.31(a)(10)  
§99.36

What are conditions apply to disclosure of information in health or safety emergencies?

- Disclosure is necessary to protect the health or safety of the student or others
- There is an articulable and significant threat to the health or safety of a student or other individuals
- School must record pertinent information when it discloses PII.



# When does a parent lose rights to their child's educational records?

§99.5

- FERPA gives parents certain rights with respect to their children's education records
- These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.
- Students to whom the rights have transferred are "eligible students."
- If a student turns 18 years old, even if the child is still in school, parents CANNOT have access to the student's records without written consent from the student.
- If a student turns 17 years old and attends a postsecondary institution, parents CANNOT have access to the student's records without written consent from the student, UNLESS the student is still claimed as a dependant on taxes.
- This does not apply to students who are dually enrolled.



# Recordkeeping Requirements

§99.32

An educational agency or institution must maintain a record of each request for access to and each disclosure from an education record, as well as the names of state and local education authorities and federal officials and agencies listed in § 99.31 (a) (3) that may make further disclosures of personally identifiable information for the student's education records without consent under § 99.33.

Code of Federal Regulations, Family Educational Rights and Privacy Act Regulations



# Key Points to Remember

- If a record is requested by someone other than the student, ask how old the student is. If the student is 18, you must have written permission to give any information.
- If the adult is not the legal parent or guardian, you cannot share any information about a student under the age of 18.



# FERPA Information

- <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- 1-800-USA-LEARN (1-800-872-5327)
- Family Policy Compliance Office
  - US Department of Education
  - 400 Maryland Avenue, SW
  - Washington, D.C. 20202-8520

# Student Privacy 101: FERPA for Parents and Students

