

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the privacy of student records. FERPA governs: (1) release of these records (known as education records) maintained by an educational institution and (2) access to these records. This law applies to K-12 as well as postsecondary education.

Who must comply with FERPA?

Any educational institution (school or other entity that provides educational services and is attended by students) and educational agency (entity that administers school directly linked to it) that received funds under any program administered by the U.S. Secretary of Education.

What does FERPA require for educational institutions to be in compliance?

- Notify students annually. Schools must notify students of their rights on an annual basis. There is no specific method that schools must use to notify students; it is up to the institution. Notice must take a form that is “reasonably likely” to notify students. Recommended and most frequently used ways include:
 - Student bulletin, handbook, or catalog;
 - School or local newspaper; and/or
 - Student registration packet.
- Protect students’ right to inspect and review their education records.
- Protect students’ rights to request to amend their education records.
- Protect students’ rights to limit disclosure of personally identifiable information (except under a few circumstances).
- Keep records of requests for and disclosures of student education records in limited situations

Who has FERPA rights at the postsecondary level?

A student “in attendance” (regardless of age) and former students.

- *Student* applies to all students attending – including continuing education students, student auditing a class, distance education students, and high school students enrolled in college.
- *In attendance* applies to and is determined by the institution. If the institution has not defined when a student is “in attendance” that date become the day the student first attends a class at the institution.

What rights does FERPA provide for students?

- Right to inspect and review their education records.
- Right to request to amend their education records.
- Right to limit disclosure of some “personally identifiable information” (information that would directly identify the student or make the student’s identity easily traceable) known as *directory information*.

What is considered Directory Information?

Student’s name, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous public or private school attended by the student, and any other information authorized in writing by the student. (NOCCCD BP 5040 effective April 2009)