

Family Educational Rights and Privacy Act (FERPA)

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA; 34 CFR Part 99) was enacted in 1974 and has been amended eight times by Congress. At the outset, FERPA applied to any educational institution and protected information that included all official records, files, and data directly related to the child. The act also afforded parents the right to inspect and review that protected information. Initially, educational records could not be released without written parental consent except to school officials, appropriate officials in connection with financial aid, and designees of judicial order. Amendments to FERPA in 1974 allowed other officials including organizations conducting studies to also bypass the written consent rule. Researchers are allowed to use educational records if researchers do not permit personal identification of students or their parents by persons other than individuals within the organization conducting the research.

Definitions

Disclosure - permitting access to or the release, transfer, or other communication of personally identifiable information from education records to any party by any means.

Education records - 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. Records that pertain to an individual's previous attendance as a student are education records under FERPA regardless of when they were created or received by the institution

Personally Identifiable Information (PII) - includes a student's name and other direct personal identifiers, such as the student's social security number (SSN) or student number. PII also includes indirect identifiers, such as the name of the student's parent or other family members; the student's or family's address, and personal characteristics or other information that would make the student's identity easily traceable.

- Also included are biometric records and other indirect identifiers, such as date and place of birth and mother's maiden name.
- PII includes "other 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."

Biometric record - a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

Disclosure of Personally Identifiable Information (PII)

School districts and postsecondary institutions are allowed to disclose PII to organizations conducting studies for, or on behalf of, the disclosing institution for purposes of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

Although disclosure of personally identifiable information without consent is allowed for studies under this exception, it is recommended that whenever possible agencies and institutions either release de-identified information or remove students' names and SSNs to reduce the risk of unauthorized disclosure of personally identifiable information.

EDUCATION RECORDS MAY BE RELEASED WITHOUT CONSENT UNDER FERPA IF ALL PERSONALLY IDENTIFIABLE INFORMATION HAS BEEN REMOVED.