



Education Records and FERPA

What is FERPA?

[The Family Education Rights and Privacy Act \(FERPA\)](#) is a federal law that protects the privacy of education records of students. Parents have the right to access and ask for changes to these records.¹ When the student turns 18 or is in postsecondary education then they become an “eligible student.” This means the rights under FERPA transfer from the parents to the student.² The 3 main FERPA rights include:

- 1. Right to Access Records:** Parents have the right to look at their children’s education records.
- 2. Right to Amend Records:** Parents have the right to ask that education records be amended if they are wrong or misleading. This does not mean the records will be changed, but the parent has the right to ask.
- 3. Right to Control Disclosure of Records:** Schools must have written permission from a parent to release education records to third parties. FERPA is run by and enforced by the Student Privacy Policy Office (SPPO). This is an office of the U.S. Department of Education. FERPA applies to any school that gets any federal funding. This means that some private schools don’t have to follow FERPA.



What are Education Records?

FERPA defines education records as records that are maintained by a school system that directly relates to a student.³

A “school system” can be state educational agencies, school districts, a public elementary or secondary school, or a postsecondary education institution like a college or university.

Records include “any information recorded in any way.” These might be things like records that are printed, handwritten, visual, audio, and digital.⁴

Education records can include information like grades, transcripts, attendance records, health data, test scores, discipline reports, IEPs, and Section 504 plans.

Education records do not include some personal notes made by teachers or school administrators. For example, personal notes made by a teacher specifically for their personal use. These notes have not been shared with anyone besides a temporary substitute. If a personal note has been shared or talked about with any other employees of the school, it is considered to be an education record.⁵

What are my Rights to Access Education Records?

FERPA gives parents and eligible students the right to inspect and review education records. Schools must let you do that in a reasonable amount of time. By law, the school must give you access to the records you asked for within 45 days after you ask.⁶

If you want to look at written records, like a student's report card or IEP, the school usually emails you a copy of those documents.

If you want **paper copies of the records**, ask the school. In most cases they make copies and leave them at the front desk for you to pick up. But schools don't have to give you copies of education records unless it's the only way you can review them. For example: if you live in a different state, the school has to either mail you paper copies or email you digital copies of the records. They cannot force you to come to the school to pick them up.

If you are asking for **audio or video records**, the school may have you come to the building to view or listen to them. Usually there is a school official present.

Parents often ask for surveillance videos of things that happen in school or on a school bus. This can be a problem since most surveillance videos show many students. Every student is protected by the same laws so a school can't show you those videos without possibly violating the FERPA protections of other students. There are 3 options in this situation:



1. The school can let you watch a video, usually at the school building, but won't give you a copy of the video.
2. The school can describe the video but not let you see it because of the other students in the video.⁷
3. The school can give you a copy of the video after they get permission from the parents of any other students in the video. Note: Parents of other students have the right to file legal documents in court to block the release of the video to you.⁷

Do I have the right to change education records?

FERPA gives parents and eligible students the right to ask that education records be changed or corrected (amended).⁸ You can do this if you think that the records are wrong, misleading, or are a violation of the student's privacy. Schools do not have to make the changes you ask for, but they must review your request and let you know about their decision.

If your request is denied, you can ask for a hearing. The school district holds the hearing, but the parent has the right to present their side of the story. Sometimes after a hearing the school still denies the request. If this happens you have the right to add a statement to the records noting that you disagree with the information and why. Any statement that is added like this must stay with the education record for as long as the records are kept.

Anytime that the part of the records that you disagreed with are released, they must include your statement.⁹

Parents have the right to ask for changes to *non-substantive* factual errors in an education record. This means things like the student got an "A" on a test, but it was entered into the gradebook as a "D" by accident. Schools do not have to change *substantive* decisions made by school officials. Substantive decisions are things like:

- grades based on a student's performance
- evaluations of student performance
- evaluations of disability
- substantive decisions about IEPs
- student placement decisions
- disciplinary decisions.



What are my rights if the school wants to share the education records?

FERPA gives parents and eligible students some rights to control the sharing (disclosure) of education records. Schools cannot share information that identifies a specific student to third parties without the parent's written consent. This is called personally identifiable information (PII).¹⁰ There are some exceptions that let schools release education records without consent. The 3 most common exceptions are:

1. **"Directory Information."** Schools do not need consent to share basic information from a student's educational record. This is things like their name, address, or photograph.¹¹ Every year the school must give a notification of rights under FERPA that tells you what the school considers "directory information."

- 2. To “School Officials” who have a “legitimate educational interest.”** Each school must give an annual notification of rights under FERPA. This is usually found on the school’s website and/or in the student or parent handbook given out at the start of each school year. The school’s definition of “School Officials” must be included in this yearly notice. It might be people like software vendors and lawyers, consultants, and some volunteers. To review education records, a “School Official” must have a “legitimate educational interest.”¹² That interest must relate to performing their professional duties. For example, if the school contracts with a private occupational therapist for services, the school can share a student’s IEP with that occupational therapist so they can do their job.
- 3. To another school where a student seeks enrollment.** FERPA lets schools send a student’s education records to another school if the student:
- is thinking about enrolling
 - is planning to enroll, or
 - is already enrolled at the school¹³

Sending the records must be related to the student’s enrollment or transfer to the new school.

What if the school violates FERPA?

If you believe that your rights have been violated under FERPA, it is important to deal with it right away. FERPA does not let parents sue schools for violations, but there are ways to deal with the issue:

1. File a complaint with the school.

- Review the school district’s FERPA policy on the district’s website. This is usually included in school board policies. You can also contact your district’s office and ask for a copy.
- Follow the process outlined in the school district’s FERPA policy to file a complaint with the school.
- If the record you asked for is a special education record, like an IEP or evaluation report, see our fact sheet [Filing a Special Education Complaint](#)



2. File a complaint with the Student Privacy Policy Office (SPPO).

- Complaints filed with SPPO must be submitted within 180 days of the FERPA violation.
- A [complaint form](#) is available on the SPPO website: <https://studentprivacy.ed.gov>
 - The completed form can be emailed to SPPO at: FERPA.Complaints@ed.gov or mailed to:
U.S. Department of Education
Student Privacy Policy Office
400 Maryland Ave SW
Washington, DC 20202-8520

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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Laws, Statutes, Rules and Regulations

Note: Some of these citations may be for special education administrative hearings. There are not always links you can use. If there is no link or if the link doesn't work for you, bring this fact sheet to a meeting with a school official. The school official usually can access the Special Education database.

What is FERPA?

1. [Family Education Rights and Privacy Act \(FERPA\)](#)
[20 U.S.C. 1232g](#)
[34 CFR Part 99](#)
2. Same as above

What are Education Records?

3. [34 CFR Part 99](#)
4. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.3](#)
5. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.3](#)

What are my Rights to Access Education Records?

6. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.10\(b\)](#)
7. [Letter to Wachter \(Surveillance Video of Multiple Students\)](#) (U.S. Department of Education, 2017) and [FAQs on Photos and Videos under FERPA | Protecting Student Privacy](#). These links go to documents that explain when a school must provide a video or inform the parent about the content of the video.

What are my Rights to Amend Education Records?

8. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.20](#)
9. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.21](#)

What are my rights if the school wants to share the education records?

10. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.30](#)
11. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.3](#) and [34 CFR Part 99.37](#). These links go to regulations that define what directory information a school can disclose without parental consent.
12. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR Part 99.31\(a\)\(1\)](#)
13. [Family Education Rights and Privacy Act \(FERPA\)](#)
[34 CFR 99.31\(a\)\(2\)](#) and [34 CFR Part 99.34](#)