



Family Educational Rights and Privacy Act (FERPA)

A PEATC
Do You Know
Factsheet for Virginia's
Parents

Someone once asked me,
“Why do you always
Insist on taking
The hard road?”

I replied,
“Why do you assume
I see two roads?”

Author Unknown



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Do You Know?

Parents have certain rights with respect to their children's educational record.

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records.

FERPA applies to any school that receives U.S. Department of Education funding. Custodial and Non-Custodial parents have certain rights under FERPA and those rights transfer to the student when he or she reaches the age of 18. Under FERPA, a school must provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request. A school is not, however, required to provide a parent with copies of education records unless a failure to do so would effectively prevent the parent from obtaining access to the records.

Parents Basic Rights Under FERPA

- Ⓢ Parents or eligible students have the right to inspect and review the student's education records. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Ⓢ Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Ⓢ Generally, schools must have written permission from the parent or eligible student to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies;
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Sample Letter Requesting Review of Child's Educational Records under the Family Education Rights and Privacy Act (FERPA)

Your Name
Your Full Address
Date

Name of Principal
Name of School
Address of School

Dear (insert name of principal):

I am the parent of (insert student's name), who is in the (insert #) grade and whose date of birth is (insert date).

I am writing to schedule a time in which I could come to school and review all of my child's educational records. This includes those records related to discipline, attendance, confidential and cumulative. I understand that under the Family Education Rights and Privacy Act (FERPA), I have the right to examine my child's personal file.

[I will be requesting copies of all or some of my child's records. Among the records I will be requesting are evaluation reports (to include composite and sub-test scores), all achievement tests administered, and any/all pre-referral records (to include Instructional Support Teacher (IST) and Title I) as well as Special Education and/or Section 504 records.] -May or may not pertain to your situation.

I also understand that under both federal and state law, the district must maintain a list of all persons who have requested or obtained my child's educational record and that the district must make this list available to me, the parent, upon my request. At this time, I am requesting the list of all persons who have requested or obtained access to my child's records.

Please let me know when I can schedule a time to see my child's records. I will need to see the records by (provide a date). I can be reached at (provide contact # and/or email).

Thank you for your assistance.

Sincerely,

(insert signature)

Your name
Address
Phone numbers
Email address

RESOURCES

 FERPA for Families and Eligible Students: <http://familypolicy.ed.gov/?src=ferpa-s>



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