



"Confidentiality And Access To Student Records Family Educational Rights And Privacy Act ("FERPA") (20 U.S.C. § 1232G; 34 C.F.R. PART 99)"

One of the frustrations that our clients often express to us is their inability to obtain information from their public school district. Sometimes it is a matter of the school district refusing to provide requested information, and other times parents experience extraordinary delay in obtaining information. Therefore, it is important for parents to know their rights in this area.

FERPA is a federal law that protects the privacy of student education records. It provides parents of minor students, or "eligible students" (students over 18) with certain rights regarding student records. It applies to virtually all public and private school and post-secondary institutions who receive education funding from the Department of Education.

FERPA gives parents/eligible students the right to inspect and review the student's "education records" maintained by the school. Schools must comply with requests to inspect and review records within forty-five (45) days of receipt of the request. "Education records" are those records, files, documents, and other materials, which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution. Education records do not include: records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the maker of the record; records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement; in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; records on a student who is eighteen years of age or older, or is attending an institution of post-secondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice; records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not

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