

FERPA for Parents

What is FERPA?

The Family Educational Rights and Privacy Act of 1974 is a Federal law that helps protect the privacy of student education records. Under FERPA, education records are those: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.

The Act provides students the right to inspect and review education records, the right to seek to amend those records, and the right to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

When do student's FERPA rights begin?

According to the law, a person becomes a student for purposes of FERPA when they are "in attendance" at an institution. At Tennessee Tech, we define a student as someone currently or previously enrolled in any academic offering of the University. This policy does not apply to records until the first day of class of the student's first semester of attendance or to records specifically exempted by 34 Code of Federal Regulations 99.3, as may be amended from time to time. This does *not* include prospective students or applicants to any Tennessee Tech academic program.

What information may parents have access to?

The student has the right to withhold any student information that they wish to withhold from any third party. A third party is anyone inside or outside of Tennessee Tech who does not have an "educational need to know" of the information in the student record as a necessary part of their job. Under FERPA, parents are third parties with no rights to the record, although FERPA does include a provision that a parent could access the record if the student is listed as a dependent on their most recent federal income tax form. It is viewed as a matter of discretion as to whether or not the institution incorporates this provision into its policies.

Parent Rights under FERPA

When a student turns 18 years old or enters Tennessee Tech, regardless of his or her age, all rights afforded to parents under FERPA transfer to the student, and the student's written consent required for disclosure of his or her education records.

However, *FERPA* provides ways in which a school **may - but is not required to** - share information from an eligible student's education records with parents without the student's consent. For example:

Schools may disclose education records to parents if the student is claimed as a dependent for tax purposes.

Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.

Schools may inform parents if the student, if he or she is under age 21, has violated any law or policy concerning the use or possession of alcohol or a controlled substance.

A school official may generally share with a parent information that is based on that official's personal knowledge or observation of the student.

What about crisis or emergency situations?

If non-directory information is needed to resolve a crisis or emergency situation, an educational institution may release that information if the institution determines that the information is necessary to protect the health or safety of the student or other individuals.

What are students' rights under FERPA?

FERPA gives students four basic rights with respect to their education record:

- The right to control disclosure of their education record
- The right to review their education record
- The right to request amendment of inaccurate or misleading portions of their education record
- The right to file a complaint regarding non-compliance of FERPA with the Family Policy Compliance Office of the U.S. Department of Education