SmartSuite

Framework / Privacy / Global Privacy Regulations

Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99)

FERPA is the U.S. federal law that gives parents and eligible students rights over education records and limits disclosure by every school that receives Department of Education funds.



What it is

The Family Educational Rights and Privacy Act (FERPA) is the U.S. federal law, codified at 20 U.S.C. 1232g and implemented by 34 CFR Part 99, that gives parents and eligible students the right to inspect and review education records, to seek their amendment, and to control the disclosure of personally identifiable information from them. It binds every educational agency or institution, public or private, that receives funds under a program administered by the U.S. Department of Education (34 CFR 99.1), and it has applied since November 19, 1974.

Congress enacted FERPA on August 21, 1974 as section 513(a) of Pub. L. 93-380, adding section 444 to the General Education Provisions Act, with effect ninety days after enactment.

At a glance

PUBLISHER
U.S. Congress (enacted); enforced by the U.S. Department of Education, Student Privacy Policy Office

TYPE
Regulation

VERSION
20 U.S.C. 1232g (section 444 of the General Education Provisions Act), as amended; 34 CFR Part 99, as amended

EFFECTIVE
November 19, 1974

DOMAIN
Privacy

FAMILY
Global Privacy Regulations

REGION
United States

INDUSTRY
Government & Public Sector

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
Medium

Source: studentprivacy.ed.gov/ferpa

Why it matters

- **Clear rights for families and students** Inspection and review within 45 days (99.10), amendment and a hearing (99.20 to 99.22), and written consent before most disclosures (99.30).
- **A definition that fixes the scope** Education records are records directly related to a student and maintained by the institution or a person acting for it, with listed exclusions such as sole-possession notes and law enforcement unit records (99.3 and 99.8).
- **Disclosure without consent only on listed grounds** The sixteen exceptions in 99.31 are exhaustive; a disclosure that fits none of them needs signed, dated, written consent.
- **A transferable right** The parent's rights become the student's at age 18 or on attendance at a postsecondary institution, the eligible student (99.3 and 99.5).

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How SmartSuite supports FERPA

Education Records Inventory

Map the systems and record types that hold education records as defined in 99.3, with the exclusions in 99.3 and 99.8 noted and an owner for each.

Access and Amendment Request Workflow

Track inspection requests against the 45-day limit in 99.10 and amendment requests, refusals, hearings and statements under 99.20 to 99.22.

Disclosure Log and Consent Records

Record each disclosure with the 99.31 ground or the signed consent, and the redisclosure limits passed to the recipient (99.32 and 99.33).

School Official and Vendor Register

List contractors and volunteers treated as school officials under 99.31(a)(1)(i)(B), their contracts, direct-control terms and review dates.

Directory Information and Opt-Outs

Hold the designated directory categories, the public notice and each opt-out so that 99.37 disclosures honor them.

Annual Notification and Complaint File

Schedule the 99.7 notification, keep its text and proof of distribution, and manage any 99.63 complaint with its 180-day timeline and corrective actions.

Common framework mappings

CCPA/CPRA | COPPA | GDPR | HIPAA | ISO 27701 | NIST Privacy Framework v1.0

Official resources

FERPA General Guidance for Parents and Eligible Students

Provides an overview of rights under FERPA, with specific guidance for parents and students.

www2.ed.gov/policy/gen/guid/fpco/ferpa/for-parents.pdf

FERPA Regulations

Defines the official regulations under the Family Educational Rights and Privacy Act by the U.S. Department of Education.

www2.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf

FERPA Frequently Asked Questions

Outlines common questions and answers regarding FERPA compliance and student privacy rights.

studentprivacy.ed.gov/frequently-asked-questions

FERPA Model Notifications of Rights

Provides templates for schools to notify parents and students of their rights under FERPA.

www2.ed.gov/policy/gen/guid/fpco/ferpa/lea-officials.html

Frequently asked questions

Who has rights under FERPA, and when do they pass to the student?

The rights belong to the parents of a student who is or has been in attendance. When the student turns 18 or attends an institution of postsecondary education at any age, the student becomes an eligible student and the rights transfer (20 U.S.C. 1232g(d); 34 CFR 99.3 and 99.5). A postsecondary institution may still disclose to a parent who claims the student as a dependent for tax purposes (99.31(a)(8)).

How quickly must a school provide access to education records?

Within a reasonable period and in no case more than 45 days after the request (34 CFR 99.10(b); 20 U.S.C. 1232g(a)(1)(A)). The school must respond to reasonable requests for explanations, may not charge for search or retrieval, and may not destroy records while a request is outstanding.

When can a school disclose records without consent?

Only on the grounds listed in 34 CFR 99.31(a), for example to school officials with legitimate educational interests, to a school where the student seeks to enroll, for audit or evaluation of federal or state education programs, for financial aid, to organizations conducting studies for the school, to accrediting bodies, under a judicial order or subpoena, in a health or safety emergency, and as directory information. Every other disclosure needs signed and dated written consent (99.30), and each disclosure is logged (99.32).

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What is directory information?

Information that would not generally be considered harmful or an invasion of privacy if disclosed, such as name, address, telephone listing, date and place of birth, major field of study, participation in activities and sports, dates of attendance and degrees and awards (20 U.S.C. 1232g(a)(5); 34 CFR 99.3). A school may disclose it only after public notice of the categories and a chance to opt out (99.37), and it may never use a Social Security number as directory information.

How is FERPA enforced?

A parent or eligible student files a written complaint with the Department of Education within 180 days of the alleged violation (34 CFR 99.63 and 99.64). The Student Privacy Policy Office investigates and issues written findings with a period for voluntary compliance (99.65 and 99.66). If the institution does not comply, the Secretary may withhold payments, seek a cease-and-desist order or terminate eligibility for Department funding (99.67; 20 U.S.C. 1232g(f)). FERPA does not create a private right to sue.

License included / downloadable: Yes FERPA is U.S. federal law in the public domain, published in the United States Code and the Code of Federal Regulations, and is included with the platform as a requirement set.

Full framework page and mappings: smartsuite.com/frameworks/ferpa-family-educational-rights-and-privacy-act

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