

The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) generally requires education agencies and institutions to protect the privacy of student education records. Except in specified circumstances, education agencies and institutions must obtain the consent of a student or their parent/guardian before releasing education records.

What Information Does FERPA Protect?

FERPA protects the privacy of “student education records” defined as records, documents, and materials maintained by an education agency or institution about a student. This includes health related information such as student health records, immunization records, and records maintained by school nurses. FERPA does not protect information in records created and maintained by teachers or administrators for their own use, records created for law enforcement purposes, employment records, and records maintained by physicians and/or mental health professionals for treatment purposes about students over the age of eighteen that are only accessible by persons treating the student.

Who must comply with FERPA?

FERPA applies to all education agencies and institutions that receive federal funding. Consequently, most elementary and secondary schools as well as public and private colleges, universities and professional schools must comply with FERPA. Religious or otherwise private elementary and secondary schools are typically exempt.

Who may Access Education Records?

Education agencies and institutions must allow parents/guardian to access their child’s education records and challenge the accuracy of the record content. Government authorities (e.g. Comptroller General, Secretary of Education, State education authorities) may access student education records in order to evaluate federal programs or enforce legal requirements. Persons that collect information for such government purposes should limit the collection of information that identifies students and parents and destroy and identifying information when it is no longer needed.

When may Education Agencies and Institutions Release Education Record?

Education agencies and institutions may release education records upon receiving a parent or guardian’s written consent. However, FERPA provides numerous exceptions that allow agencies and institutions to release records *without* consent. These exceptions include releasing information to school officials for education purposes, releasing information concurrent with the financial aid process, and releasing information for health and safety purposes during an emergency.

For more information on state and federal laws related to privacy & confidentiality, click [here](#).

For more information about FERPA, click [here](#).

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