Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law that protects the privacy of student education records. In accordance with regulations issued under FERPA, **EPIC de Cesar Chavez High School (EPIC)** provides an annual notification to our enrolled students of their rights to: inspect, review, and, if necessary, seek to amend the student's education record; consent to disclosures of personally identifiable information contained in the student's education records; opt out from the release of information designated as directory information by **EPIC**; and file a complaint with the U.S. Department of Education under FERPA. **EPIC** will not disclose information from the student's education record without consent.

Educational Records

The term "education record" as used in FERPA is very inclusively defined. An education record is any record, file, document, or other material that:

1. Contains information directly related to a student, and
2. Is maintained by a faculty or staff member.

The term encompasses records kept in any format—hard copy, electronic, handwritten, or other. There are only five exceptions recognized in the law. The term "education record" does not include:

- Personal notes that are not shown to anybody else.
- Police records.
- Employment records.

All other records maintained by **EPIC** faculty and staff members, regardless of the medium used for storing, are presumed to be education records, hence subject to the privacy protections in FERPA if they identify a student by name or contain other personally identifiable information from which the identity of a student can be derived.

Access to Education Records

Under FERPA, **EPIC** must provide an eligible student with an opportunity to inspect and review their education records within 45 days following its receipt of a request. **EPIC** is required to provide an eligible student with copies of education records, or make other arrangements, if a failure to do so would effectively prevent the student from obtaining access to the records. A

case in point would be a situation in which the student does not live within commuting distance of the school.

EPIC is not generally required by FERPA to provide an eligible student with access to academic calendars, course syllabi, or general notices such as announcements of specific events or extracurricular activities. That type of information is not generally directly related to an individual student and, therefore, does not meet the definition of an education record.

Under FERPA, a school is not required to provide information that is not maintained or to create education records in response to an eligible student's request. Accordingly, **EPIC** is not required to provide an eligible student with updates on their progress in a course (including grade reports) or in school unless such information already exists in the form of an education record.

Directory Information

FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Typically, "directory information" includes:

- Name
- Address
- Telephone listing
- Date and place of birth
- Participation in officially recognized activities and sports
- Dates of attendance

A school may disclose "directory information" to third parties without consent if it has given public notice of the types of information which it has designated as "directory information," the eligible student's right to restrict the disclosure of such information, and the period of time within which an eligible student has to notify the school in writing that they do not want any or all of those types of information designated as "directory information." The means of notification could include publication in various sources, including a newsletter, in a local newspaper, or in the student handbook. The school could also include the "directory information" notification as part of the general notification of rights under FERPA. The school does not have to notify an eligible student individually. (34 CFR § 99.37.)

Disclosure of Education Records

EPIC may not disclose personally identifiable information from an eligible student's education records to a third party unless the eligible student has provided written consent. However, there are a number of exceptions to FERPA's prohibition against non-consensual disclosure of personally identifiable information from education records. Under these exceptions, schools are

permitted to disclose personally identifiable information from education records without consent, though they are not required to do so. Following is general information regarding some of these exceptions.

School Officials

One of the exceptions to the prior written consent requirement in FERPA allows "school officials," including teachers, within a school to obtain access to personally identifiable information contained in education records provided the school has determined that they have "legitimate educational interest" in the information. The term "school official" generally includes parties such as instructors, administrators, health staff, counselors, attorneys, clerical staff, trustees, members of committees and disciplinary boards, and a contractor, volunteer, or other party to whom the school has outsourced institutional services or functions.

Another exception permits a school to disclose personally identifiable information from a student's education records, without consent, to another school in which the student seeks or intends to enroll. The sending school may make the disclosure if it has included in its annual notification of rights a statement that it forwards education records in such circumstances. Otherwise, the school must make a reasonable attempt to notify the parent in advance of making the disclosure, unless the eligible student has initiated the disclosure. The school must also provide the student with a copy of the records that were released if requested by the student.

Any breach of confidentiality by a faculty or staff member in violation of FERPA could lead to the imposition of disciplinary sanctions under FIELD's Human Resource policies.

For More Information

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