

Student Information Guidelines:

FERPA & Tennessee Law

What is FERPA?

FERPA stands for the Family Educational Rights & Privacy Act – administered the US Department of Education. FERPA guarantees certain rights to families with respect to their children's education records. Tennessee's laws regarding open records, contained in T.C.A. § 10-7-504, further refine the requirements for handling student records and information.

What are education records?

Education records include anything that contains information directly related to a student (i.e. personally identifiable) and is maintained by a school or education organization. These records span formats and include both print and electronic information.

The law distinguishes between "education records" and directory information.

What is directory information?

Directory information includes things that would generally not be considered harmful or an invasion of privacy if disclosed, such as name, address, photograph, and age. Directory information may not include things such as a student's social security number or grades. Schools are required to notify parents of what information they designate as directory information.

If appropriately designated, directory information can be disclosed to anyone. However, parents must have the right to 'opt out' of having their child's information released. Tennessee law does not allow for schools to identify student achievement as directory information. Therefore, schools cannot post honor roll or other academic information without consent.

What are my requirements as a school?

Annual notification

Under FERPA, a school must annually notify parents of their rights. The annual notification must include information regarding a parent's right to inspect and review his or her child's education records, the right to seek to amend the records, the right to consent to disclosure of personally identifiable information from the records (except in certain circumstances), and the right to file a complaint with the DoE regarding an alleged failure by a school to comply with FERPA. The school must also inform parents of its definitions of the terms "school official", and "legitimate educational interest." The annual notification may be published by various means, including any of the following: in a student handbook, at annual registration, in a letter/notice to parents, or on the school's website.

Parent access

Under FERPA, a school must provide a parent with an opportunity to inspect and review his or her child's education records within 45 days following the receipt of a request. A school is required to provide a parent with copies of education records, or make other arrangements if a failure to do so would effectively prevent the parent from obtaining access to the records (e.g. the parent cannot travel to the school to view the record.)

Under FERPA, a school is not required to provide information that is not routinely maintained or to create new education records in response to a parent's request. Accordingly, a school is not required to provide a parent with special updates on his or her child's progress in school unless such information already exists in the form of an education record.

Amendment

Under FERPA, a parent has the right to request that inaccurate or misleading information in his or her child's education records be amended. While a school is not required to amend education records, but must at least consider all requests. If the school decides not to amend a record in accordance with a parent's request, the school must inform the parent of his or her right to a hearing on the matter. If, as a result of the hearing, the school still decides not to amend the record, the parent has the right to insert a statement in the record setting forth his or her views. That statement must remain with the contested part of the student's record for as long as the record is maintained.

The FERPA amendment procedure exists to challenge facts that are inaccurately recorded. It may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student. FERPA was intended to require that schools keep fair records, not to override the standards and procedures for making academic assessments, disciplinary rulings, or placement determinations.

Confidentiality

Under FERPA, a school cannot disclose personally identifiable information from a student's education records unless the student's parent has provided written consent. However, there are a few exceptions to that rule:

1. 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. School officials can include: teachers, administrators, support staff, nurse/health staff, etc. As mentioned previously, a school must define both "school officials" and what it deems "legitimate educational interest" in its annual notification to parents. A school official generally has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

2. 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.

The need to maintain confidentiality implies that records should be stored in a safe and secure location. Please keep your student records in a locked file cabinet or another location with equivalent security.