
Housing & Residential Services
Judicial Affairs

TB 335 UCen Road • University of California, Santa Barbara • CA • 93106-6130 • (805) 893-3281

FERPA

The Family Education Rights & Privacy Act (FERPA) is federal legislation that affects the way Universities administer student information. FERPA impacts the information that we can share with others regarding student disciplinary issues. We cannot share information with parents, guardians, staff, faculty, coaches, etc. unless an “educational need to know” exists or the student signs a release of information waiver that specifies what information is to be shared and with whom. The following information was obtained from the U.S. Department of Education’s website (<http://www.ed.gov>):

FERPA is a Federal law that applies to educational agencies and institutions that receive funding under a program administered by the U. S. Department of Education. The statute is found at 20 U.S.C. § 1232g and the Department’s regulations are found at 34 CFR Part 99. Under FERPA, schools must generally afford students who are 18 years or over, or attending a postsecondary institution:

- Access to their education records;
- An opportunity to seek to have the records amended;
- Some control over the disclosure of information from the records.

Access to Education Records

Schools are required by FERPA to:

- Provide a student with an opportunity to inspect and review his or her education records within 45 days of the receipt of a request;
- Provide a student with copies of education records or otherwise make the records available to the student if the student, for instance, lives outside of commuting distance of the school;
- Redact the names and other personally identifiable information about other students that may be included in the student’s education records.

Schools are not required by FERPA to:

- Create or maintain education records;
- Provide students with calendars, notices, or other information that does not generally contain information directly related to the student;
- Respond to questions about the student.

Amendment of Education Records

Under FERPA, a school must:

- Consider a request from a student to amend inaccurate or misleading information in the student’s education records;
- Offer the student a hearing on the matter if it decides not to amend the records in accordance with the request;
- Offer the student a right to place a statement to be kept and disclosed with the record if as a result of the hearing the school still decides not to amend the record.

A school is not required to consider requests for amendment under FERPA that:

- Seek to change a grade or disciplinary decision;
- Seek to change the opinions or reflections of a school official or other person reflected in an education record.

Disclosure of Education Records

A school must:

- Have a student’s consent prior to the disclosure of education records;
- Ensure that the consent is signed and dated and states the purpose of the disclosure.

A school may disclose education records without consent when:

- The disclosure is to school officials who have been determined to have legitimate educational interests as set forth in the institution’s annual notification of rights to students;
- The student is seeking or intending to enroll in another school;
- The disclosure is to state or local educational authorities auditing or enforcing Federal or State supported education programs or enforcing Federal laws that relate to those programs;
- The disclosure is to the parents of a student who is a dependent for income tax purposes;

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- The disclosure is in connection with determining eligibility, amounts, and terms for financial aid or enforcing the terms and conditions of financial aid;
- The disclosure is pursuant to a lawfully issued court order or subpoena; or
- The information disclosed has been appropriately designated as directory information by the school.

Annual Notification

A school must annually notify students in attendance that they may:

- Inspect and review their education records;
- Seek amendment of inaccurate or misleading information in their education records;
- Consent to most disclosures of personally identifiable information from education records.

The annual notice must also include:

- Information for a student to file a complaint of an alleged violation with the FPCO;
- A description of who is considered to be a school official and what is considered to be a legitimate educational interest so that information may be shared with that individual; and
- Information about who to contact to seek access or amendment of education records.

Means of Notification

- Can include student newspaper; calendar; student programs guide; rules handbook, or other means reasonable likely to inform students;
- Notification does not have to be made individually to students.

Complaints of Alleged Violations

Complaints of alleged violations may be addressed to:

*Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605*

Complaints must:

- Be timely submitted, not later than 180 days from the date you learned of the circumstances of the alleged violation
- Contain specific allegations of fact giving reasonable cause to believe that a violation has occurred, including:
 - Relevant dates, such as the date of a request or a disclosure and the date the student learned of the alleged violation;
 - Names and titles of those school officials and other third parties involved;
 - A specific description of the education record around which the alleged violation occurred;
 - A description of any contact with school officials regarding the matter, including dates and estimated times of telephone calls and/or copies of any correspondence exchanged between the student and the school regarding the matter;
 - The name and address of the school, school district, and superintendent of the district; any additional evidence that would be helpful in the consideration of the complaint.