

EXCERPTS FROM FERPA REGULATIONS
34 C.F.R. §99

§ 99.4 What are the rights of parents?

An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

§ 99.7 What must an educational agency or institution include in its annual notification?

- (a) (1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.
 - (2) The notice must inform parents or eligible students that they have the right to—
 - (i) Inspect and review the student's education records;
 - (ii) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
 - (iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and § 99.31 authorize disclosure without consent; and
 - (iv) File with the Department a complaint under §§ 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part.
 - (3) The notice must include all of the following:
 - (i) The procedure for exercising the right to inspect and review education records.
 - (ii) The procedure for requesting amendment of records under § 99.20.
 - (iii) If the educational agency or institution has a policy of disclosing education records under § 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
- (b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.
- (1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.
 - (2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.

§ 99.10 What rights exist for a parent or eligible student to inspect and review education records?

(a) Except as limited under § 99.12, a parent or eligible student must be given the opportunity to inspect and review the student's education records. This provision applies to—

- (1) Any educational agency or institution; and
- (2) Any State educational agency (SEA) and its components.
 - (i) For the purposes of subpart B of this part, an SEA and its components constitute an educational agency or institution.
 - (ii) An SEA and its components are subject to subpart B of this part if the SEA maintains education records on students who are or have been in attendance at any school of an educational agency or institution subject to the Act and this part.

(b) The educational agency or institution, or SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.

(c) The educational agency or institution, or SEA or its component shall respond to reasonable requests for explanations and interpretations of the records.

(d) If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, or SEA or its component, shall—

- (1) Provide the parent or eligible student with a copy of the records requested; or
- (2) Make other arrangements for the parent or eligible student to inspect and review the requested records.

(e) The educational agency or institution, or SEA or its component shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

(f) While an education agency or institution is not required to give an eligible student access to treatment records under paragraph (b)(4) of the definition of Education records in § 99.3, the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

§ 99.11 May an educational agency or institution charge a fee for copies of education records?

(a) Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution may charge a fee for a copy of an education record which is made for the parent or eligible student.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.

§ 99.12 What limitations exist on the right to inspect and review records?

(a) If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

(b) A postsecondary institution does not have to permit a student to inspect and review education records that are:

- (1) Financial records, including any information those records contain, of his or her parents;
- (2) Confidential letters and confidential statements of recommendation placed in the

- education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
- (3) Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:
- (i) The student has waived his or her right to inspect and review those letters and statements; and
 - (ii) Those letters and statements are related to the student's:
 - (A) Admission to an educational institution;
 - (B) Application for employment; or
 - (C) Receipt of an honor or honorary recognition.
- (1) A waiver under paragraph (b)(3)(i) of this section is valid only if:
- (i) The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and
 - (ii) The waiver is made in writing and signed by the student, regardless of age.
- (2) If a student has waived his or her rights under paragraph (b)(3)(i) of this section, the educational institution shall:
- (i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and
 - (ii) Use the letters and statements of recommendation only for the purpose for which they were intended.
- (3) (i) A waiver under paragraph (b)(3)(i) of this section may be revoked with respect to any actions occurring after the revocation.
- (ii) A revocation under paragraph (c)(3)(i) of this section must be in writing.