



WORKSHEET: FERPA Compliance

The purpose of this worksheet is to provide support for the FERPA officer determining whether personally identifiable information can be released from student education recordsⁱ or personal education information from an education program (defined as: any program principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education). This worksheet does not need to be completed or retained.ⁱⁱ

Requirements for Disclosure (one of the following categories must be met)

- The parent or eligible student will provide a signed and dated written consent that discloses:
 - The records that may be disclosed;
 - The purpose of the disclosure
 - The party or class of parties to whom the disclosure may be made
 - If a parent or adult student requests, the school will provide him or her with a copy of the records disclosed
 - If the parent of a student who is not an adult so requests, the school will provide the student with a copy of the records disclosed.
- The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests. A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party—
 - Performs an institutional service or function for which the agency or institution would otherwise use employees;
 - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
 - Is subject to the requirements of §99.33(a) governing the use and redisclosure of personally identifiable information from education records.
- The disclosure is, subject to the requirements of 34 CFR §99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- The disclosure is, subject to the requirements of 34 CFR §99.35, to authorized representatives of—
 - The Comptroller General of the United States;
 - The Attorney General of the United States;
 - The Secretary; or

- State and local educational authorities.
- The disclosure is in connection with financial aid ⁱⁱⁱ for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
- Determine eligibility for the aid;
 - Determine the amount of the aid;
 - Determine the conditions for the aid; or
 - Enforce the terms and conditions of the aid.
- The disclosure is to State and local officials or authorities to whom this information is specifically—
- Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
 - Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of 34 CFR §99.38. (A State from further limiting the number or type of State or local officials to whom disclosures may be made.)
- The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to: Develop, validate, or administer predictive tests; Administer student aid programs; or Improve instruction. Where:
- The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;
 - The information is destroyed when no longer needed for the purposes for which the study was conducted
 - The school enters into a written agreement with the organization that:
 - Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed
 - Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
 - Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests
 - Requires the organization to destroy or return to the school all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed
- The disclosure is to accrediting organizations to carry out their accrediting functions.
- The disclosure is to parents, as defined in 34 CFR §99.3, of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.
- The disclosure is to comply with a judicial order or lawfully issued subpoena where one of the following is true:

- The school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—
 - A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
 - Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
 - An ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
- The disclosure is to the court when the school initiates legal action against a parent or student
- The disclosure is to the court when a parent or eligible student initiates legal action against the school,
- The disclosure is in connection with a health or safety emergency, under the conditions described in §99.36.
- The disclosure is information the school has designated as “directory information”, under the conditions described in §99.37.
- The disclosure is to the parent of a student who is not an eligible student or to the student.
- The disclosure, subject to the requirements in 34 CFR §99.39, is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. The institution may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.
- The disclosure ^{iv} is to a parent of a student at an institution of postsecondary education regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if—
 - The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and
 - The student is under the age of 21 at the time of the disclosure to the parent.
- The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the school under 42 U.S.C. 14071 and applicable Federal guidelines.
- The disclosure is of records in which the school or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. “Not personally identifiable” means information that includes none of the following:
 - Student's name and other direct personal identifiers, such as the student's social security number or student number.

- Indirect identifiers, such as the name of the student’s parent or other family members; the student’s or family’s address, and personal characteristics or other information that would make the student’s identity easily traceable; date and place of birth and mother’s maiden name.
- Biometric records, including one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.
- Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

The disclosure is of records in which are de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that—

- The school or other party that releases de-identified data does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
- The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
- The record code is not based on a student’s social security number or other personal information.

ⁱ The term “education records” is defined to mean, with certain exceptions, those records that are: (1) directly related to a student, and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. 20 U.S.C. § 1232g(a)(4)(A); 34 CFR § 99.3 (definition of “education records”). For instance, a student’s health records, including immunization records, maintained by an educational agency or institution (such as by an elementary or secondary school nurse) would generally constitute education records subject to FERPA. [Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) And the Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) To Student Health Records](#)

ⁱⁱ This document satisfies AAHRPP elements II.3.G, II.4.B, III.2.C

ⁱⁱⁱ Financial aid means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual’s attendance at an educational agency or institution.

^{iv} This section does not supersede any provision of State law that prohibits an institution of postsecondary education from disclosing information.