



LEGISLATION UPDATE



FERPA
Family Educational
Rights & Privacy Act

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Family Educational Rights and Privacy Act

WHAT IS **FERPA**?

The Family Educational Rights and Privacy Act (FERPA) (20 USC §12329, 34 CFR Part 99) is a federal law that protects the privacy of student education records.

WHO DOES **FERPA** AFFECT?

FERPA applies to all U.S. educational agencies and institutions that receive funding under any program administered by the U.S. Department of Education.

WHAT DO **SCHOOLS AND COLLEGES** HAVE TO DO TO COMPLY WITH FERPA?

In order to avoid inadvertent unauthorized disclosures, educational institutions should ensure that student files are disposed of securely.

If an **educational institution** does not comply with FERPA, 34 CFR §99.67(a) states that the government may:

- 1) Withhold further payments under any applicable program;
- 2) Issue a complaint to compel compliance through a cease-and-desist order; or
- 3) Terminate eligibility to receive funding under any applicable program.

WHAT DOES **FERPA** HAVE TO DO WITH DOCUMENT DESTRUCTION?

FERPA regulates access to and disclosure of student education records. It give students and parents the right to inspect and review the students' education records maintained at the institution, and request corrections if they believe the records are inaccurate or misleading.

Another important FERPA obligation is that the educational institution must obtain signed and dated written consent from a parent or student before personally identifiable information is disclosed, unless certain limited exceptions apply. The educational institution must also keep a record of each disclosure of all student records on file. These obligations are set out in 34 CFR §99.30 through §99.39. Improper disposal of student records may constitute an unauthorized disclosure under FERPA.

PROSHRED®'S ROLE IN COMPLIANCE:

Improper disposal of a student's records may constitute an unauthorized disclosure under FERPA. Our high level shredding procedures assure educational institutions that student records are securely destroyed by providing a Certificate of Destruction after every shred.