



DOE Implements New Regulations to the Federal Educational Rights and Privacy Act

December 20, 2011

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The U.S. Department of Education recently adopted new regulations to the Federal Educational Rights and Privacy Act (FERPA) which aim to further protect student privacy while enhancing states' ability to use student data for legitimate purposes. The new regulations will protect the safety of student information, increase the Department's ability to hold those who misuse or abuse student data responsible, and ensure taxpayer funds are used effectively to promote education programs.

The new regulations will assist the Department in more effectively holding those accountable who misuse or abuse student information. FERPA initially only applied to institutions with students in attendance, such as high schools and colleges. Other institutions, however, such as student lenders, also have access to student records, but were not covered by FERPA. The new regulations now require that such institutions also be bound by the restrictions regarding the disclosure of student data contained in FERPA.

The regulations will also help policymakers determine whether state and federally funded educational programs are adequately preparing students. States will be able to use student data to determine which early childhood programs prepare kids for kindergarten. High school administrators will be able to use student data for the purpose of determining how their graduates did in college. In addition, states will now have the ability to enter into research agreements on behalf of school districts to determine how best to use limited educational funding.

The new regulations also modify the directory information exception to FERPA, which allows schools to disclose certain student directory information with parental consent. In the past, if a school had a policy of disclosing directory information, it had to give notice to parents and students of the types of information designated as directory information and give them the right to opt out. The new regulations permit schools to adopt limited directory information policies that allow the disclosure of information to specific parties for specific purposes without parental consent. In addition, the new regulations clarify that parents and students cannot, by opting out of the disclosure of directory information, prevent a school from requiring a student to wear or present student identification or a badge.

As a result of these new regulations, school districts should review their student records policies to ensure compliance with the new FERPA regulations.



More Information

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