



# OJJDP FACT SHEET

Shay Bilchik, Administrator

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## A Guide to the Family Educational Rights and Privacy Act

by Michael Medaris

For many children, growing up in America isn't easy. Some are abused or neglected. Others lack proper nutrition or positive role models to emulate. Many live in impoverished neighborhoods that are rife with drugs and violent crime. Children are confronted daily with negative influences that jeopardize their opportunity to grow into healthy and productive citizens. The threats to children vary widely and no one agency has the expertise to effectively respond to all of them.

Growing concerns regarding delinquency, particularly violent juvenile crime, have prompted communities across America to reassess their juvenile justice systems. Many communities are broadening their juvenile justice system by including educators in the development of multiagency, interdisciplinary responses to at-risk and delinquent youth as part of this effort.

To implement comprehensive strategies for addressing juvenile delinquency, State and local agencies need the cooperation of schools in sharing information about students. Teachers can play a vital role in ensuring the delivery of needed interventions for troubled youth at the time such action is likely to be effective.

While State laws generally govern the disclosure of information from juvenile court records, a Federal law—the Family Educational Rights and Privacy Act (FERPA)—restricts disclosure of information from a student's education records. Enacted in 1974 and amended seven times since then, FERPA protects the privacy interests of parents and students by restricting the unwarranted disclosure of personally identifiable information from education records. Noncompliance with FERPA can result in the loss of Federal education funds.

FERPA broadly defines an education record to include all records, files, documents, and other materials, such as films, tapes, or photographs, containing information directly related to a student that an education agency maintains. School officials should consider any personal student information to be an education record unless a statutory exception applies.

In 1994, the Improving America's Schools Act established what is known as the State law juvenile justice system exception. With

that legislation, Congress recognized that schools can have a crucial role in extended juvenile justice systems by authorizing States to enact legislation permitting disclosure of education records under certain circumstances. Under this exception, educators may disclose information from a student's record when all of the following conditions are met: (1) State law specifically authorizes the disclosure; (2) the disclosure is to a State or local juvenile justice system agency; (3) the disclosure relates to the juvenile justice system's ability to provide preadjudication services to a student; and (4) State or local officials certify in writing that the institution or individual receiving the information has agreed not to disclose it to a third party other than another juvenile justice system agency.

With parental consent, educators can disclose information from a juvenile's education record at any time. Absent parental consent, FERPA authorizes disclosure only under specified circumstances. The chart on the back of this Fact Sheet provides a handy summary of situations in which disclosure can be made.

### For Further Information

A more in-depth look at FERPA and its impact on information sharing can be found in *Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs*. This 1997 document is the result of collaboration between the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the U.S. Department of Education's Family Policy Compliance Office (FPCO). Free copies of the *Guide* are available from the Juvenile Justice Clearinghouse (JJC) at 800-638-8736 or OJJDP's World Wide Web page at [www.ncjrs.org/ojjhome.htm](http://www.ncjrs.org/ojjhome.htm). *Information Sharing and the Family Educational Rights and Privacy Act* (FS-9639), an OJJDP Fact Sheet, is also available from JJC and OJJDP's World Wide Web page.

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# FERPA at a Glance

## No Restrictions on Dissemination

- Information based on educator's personal observation

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- Information from records created/maintained by school law enforcement unit

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- Reports of criminal activity on campus

JJC 800-638-8736 (Publications)  
 FPCO 202-260-3887 (Policy)  
 OJJDP 202-307-5914 (Training/Technical Assistance)



## Circumstances That Allow the Release of Restricted Information

- Records transfer to new schools

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- Teachers, school officials with legitimate educational interest

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- Parental consent

Without parental consent

- State law allows disclosure prior to juvenile justice system adjudication

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- Court order/subpoena

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- Emergency (threat to safety)

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- Designated directory information

