

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Under FERPA, a parent is defined as "a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian."

Regardless of a parent's marital status, schools are required to give full rights under FERPA to either parent, unless the school has been given evidence of a court order, statute or legally binding document that specifically revokes these rights. This means that if an individual meets FERPA's definition of a parent, another parent may not prevent school officials from providing education records to that individual without first providing a court order or other legal document to that effect.

An essential consideration whenever school staff work through a child custody dispute between parents is this: Ensure staff review and follow the most recent court order in the student's file. If one of the parents claims the order in the student's records is out of date, staff should politely ask the parent to provide the school with a copy of the most recent order.

Another common dispute relates to the involvement of stepparents or a parent's significant other. All too frequently, one parent will ask school officials to prevent a stepparent from reviewing education records or attending conferences. This request often goes beyond the parent's authority. For one, either parent may provide written permission ([release of information](#)) for a stepparent or any other party to review education records or attend a student conference. In other instances, stepparents have the same rights under FERPA as do natural parents, **if the stepparent "is present on a day-to-day basis with the natural parent and child and the other parent is absent from that home."**

The same standard would apply for other adults, such as a parent's significant other, or grandparents living in the student's home.

Source: cde.ca.gov (data privacy)