



# Cumberland School Department Policy Manual

STUDENTS RIGHTS AND RESPONSIBILITIES

J

FERPA POLICY FOR STUDENTS WHO HAVE REACHED THE AGE OF MAJORITY

J-21

## PURPOSE

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. Education records include, but may not necessarily be limited to, report cards, transcripts, disciplinary records, written information provided by the family, and class schedules. The law applies to all educational agencies and institutions such as schools, school districts, and postsecondary institutions. FERPA gives parents/guardians and students age eighteen [18] and older certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of eighteen [18] or attends a school beyond the high school level (referred to as an "eligible student"). Generally, schools must have written permission from the parent or eligible student in order to disclose personally identifiable information from a student's education record.

## POLICY

As noted above, the rights under FERPA transfer from the parents/guardians to the student, once the student turns 18 years old or enters a postsecondary institution at any age. Under FERPA, a student to whom the rights have transferred is known as an "eligible student." Although the law provides that the rights afforded parents by FERPA transfer to the "eligible student," FERPA clearly provides ways in which an institution can share education records regarding the student with his or her parents/guardians once the student has turned age eighteen [18] as outlined in the section below titled, Continued Disclosure to Parents.

## CONTINUED DISCLOSURE TO PARENTS (EXCERPTS TAKEN FROM FERPA GUIDE)

When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded to parents under FERPA transfer to the student. However, FERPA also provides ways in which schools may share information with parents without the student's consent. For example:

- Schools may disclose education records to parents if the student is a dependent for income tax purposes. Neither the age of the student nor the parent's status as a custodial parent is relevant. If a student is claimed as a dependent by either a parent/guardian for tax purposes, then either parent may have access under this provision. (34 CFR § 99.31(a)(8).)
- Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.
- Schools may inform parents if the student who is under age 21 has violated any law or its policy concerning the use or possession of alcohol or a controlled substance.



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To assist with complying with federal law regarding disclosure of student records to parents for eligible students who reach the age of eighteen [18] who remain enrolled in the Cumberland School System, a form has been developed. The purpose of this form is strictly to assist with the ongoing release of information and it is not intended to transfer educational decision making rights from the eligible student back to the parent(s)/guardian(s).

Staff should direct all inquiries concerning the release of confidential student information to the Cumberland School Department Administration for appropriate instruction and action.

**Note:** *The provision in FERPA that permits parents to continue to receive educational records and notice of educational activities for their child age 18 or over does not create a separate right for the parent to attend a meeting or otherwise engage in the educational decision making process without the student's consent.*

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