

NOTE: This letter was reformatted to make it more accessible on the Student Privacy Policy Office's (SPPO's) website. Please note that SPPO administers FERPA and the office's prior name was the Family Policy Compliance Office (FPCO). Some citations in this letter may not be current due to amendments of the law and regulations. SPPO has not revised the content of the original letter. Any questions about the applicability and citations of the FERPA regulations included in this letter may be directed to FERPA@ed.gov.

April 27, 1994

[Letter to Parent]

Dear [Parent]:

This is in response to your letter dated January 19, 1994, concerning the Family Educational Rights and Privacy Act (FERPA). You express concern that the St. Charles School District (District) is violating FERPA by releasing honor rolls to the local newspapers without parental written consent. You submitted a copy of the honor roll of the Haines Middle School, as published in *The Republican* newspaper on January 6, 1994. The honor roll lists students who received grade point averages in the following categories: "A" Honor Roll (5.0), High Honor Roll (4.5-4.9), and "B" Honor Roll (4.0-4.49). You also submitted a letter dated December 13, 1993, from the superintendent stating that the District considers the honor roll to be an award and thus discloses it in accordance with FERPA's "directory information" provisions. You believe the District should be required to include a notation that the list does not include all students who qualified for the honor roll, i.e., those students whose parents requested that the information not be disclosed.

Concerning the honor roll listing, you state: "The honor roll is simply a list of grades derived solely from a student's transcript and does not fit the category of award or directory information." You also stated: "We also feel that they are violating the privacy of all of the students by releasing a list that identifies the academic performance level of all students. Those students not listed are known to have G.P.A.s below 4.0." You believe the District should be required to obtain the written consent of parents before publicly releasing the honor roll.

FERPA generally requires parental written consent before release of educational records or personally identifiable information from education records. FERPA defines "education records" as:

[T]hose records, files, documents, and other materials, which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

20 U.S.C. 1232g(a)(4)(A).. See also 34 CFR § 99.3.

There are certain exceptions to FERPA’s consent requirement, one of which allows nonconsensual disclosure of “directory information” under certain conditions. 34 CFR § 99.31(a)(11) and 34 CFR § 37. Directory information is defined as information contained in an education records which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes but is not limited to, the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended. 34 CFR §99.3. An educational agency or institution may disclose directory information if the agency or institution has given public notice of the types of information which it has designated as “directory information,” the parent’s or eligible student’s right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of that information designated as “directory information.” 34 CFR §99.37. The means of notification could include publication in various sources, including in a newsletter or in the student handbook.

This Office has determined that nonconsensual release of a list of honor roll students by category of grade point average such as the list that you submitted does not violate FERPA provided the educational agency or institution has designated degrees and awards, or honors received, as directory information and has met the other conditions set forth in 34 CFR §99.37. We believe the information contained in the honor roll listing would not generally be considered an invasion of privacy if disclosed and that educational agencies and institutions may disclose such information on honor roll listings without consent if parents have not asked that honors and awards received not be disclosed under the provisions of 34 CFR §99.37. Finally, we note that there is not a provision in FERPA that would require an educational agency or institution to include a notation that the list does not include all students who qualified for the honor roll.

I trust the above information is helpful in explaining the scope and limitation of FERPA as it pertains to this matter.

Sincerely,

/s/

LeRoy S. Rooker
Director
Family Policy Compliance Office