



UNITED STATES DEPARTMENT OF EDUCATION  
STUDENT PRIVACY POLICY OFFICE

March 28, 2025

Dear Chief State School Officers and Superintendents:

We are writing you to provide the notification required by 20 U.S.C. § 1232h(c)(5)(C). The U.S. Department of Education (Department) through its Student Privacy Policy Office (SPPO) is required to inform State educational agencies (SEAs) and local educational agencies (LEAs), as recipients of funds under programs administered by the Department, of their obligations under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98).

FERPA protects the privacy interests and access rights of parents and students in education records maintained by educational agencies and institutions or by persons acting for such agencies or institutions. PPRA affords parents and students with rights concerning specified marketing activities, the administration or distribution of certain surveys to students, the administration of certain physical examinations or screenings to students, and parental access to certain instructional materials including ones used as part of a student's educational curriculum.

This letter serves as guidance in conjunction with the Department's annual notification, required by 20 U.S.C. § 1232h(c)(5)(C), which has not substantively changed since it was last issued and is available at: <https://studentprivacy.ed.gov/annual-notices>.

In addition to notifying you of your legal obligations, we would also like to take this opportunity to point out several priority concerns identified over the last year. At the direction of Secretary McMahon, SPPO is taking proactive measures to address the following:

### Priority Concerns

- ***Parental Right to Inspect and Review Education Records.*** It appears many LEAs may have policies and practices that conflict with the inspect and review provisions afforded parents under FERPA. Further, some of these informal and formal practices may be occurring at the direction, or minimally with the tacit approval, of their SEAs. For example, schools often create "Gender Plans" for students and assert that these plans are not "education records" under FERPA, and therefore inaccessible to the parent, provided the plan is kept in a separate file and not as part of the student's "official student record." While FERPA does not provide an affirmative obligation for school officials to inform parents about any information, even if that information is contained in a student's education records, FERPA does require that a school provide a parent with an opportunity to inspect and review education records of their child, upon request. Additionally, under the current regulatory framework, FERPA does not distinguish between a student's "official student record" or "cumulative file." Rather, all information, with certain

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statutory exceptions, that is directly related to a student and maintained by an educational agency or institution, is part of the student’s “education records” to which parents have a right to inspect and review.

- ***Safety of Students.*** Additionally, we have received many inquiries from parents concerned about the safety of their children as schools are withholding related information under the auspices of FERPA. Nothing is more important than the health and safety of our nation’s school children. To that end, schools should not withhold information from parents that identifies other students who have made death threats against their children. For example, Student A writes a note or school assignment describing an intent, or even a detailed plan, to kill Student B (or multiple other students). To the extent that the education record in question directly relates to both students and the information cannot be segregated and redacted without destroying its meaning, the parents of both students have the right to inspect and review that information. While the disciplinary sanction imposed on Student A may not be shared with the parents of Student B, unless the sanction directly relates to both students, FERPA does not preclude school officials from communicating to Student B’s parents, for example, that responsive action is being taken with respect to a threat assessment or potential disciplinary action. Nor does FERPA prevent a school from taking actions designed to protect Student B, such as a classroom reassignment to avoid interaction with Student A. Certain measures a school might impose to protect student safety that directly affect both students may be disclosed to the parents of both students; for example, an order that specifies that Student A must stay 500 feet away from Student B, is a record that relates to both students. Our guidance called *Addressing Emergencies on Campus* discusses other provisions in FERPA that permit disclosures of personally identifiable information from a student’s education records in order to address safety issues in a manner that complies with FERPA. It is available at: <https://studentprivacy.ed.gov/resources/addressing-emergencies-campus>.
- ***Annual Notification of Rights.*** Many LEAs are not properly notifying parents and eligible students of their rights under FERPA. A school is not required to notify parents individually but rather is required to provide the notice by any means that are reasonably likely to inform parents of their rights. These means could include publication in the school activities calendar, newsletter, student handbook, or displayed prominently on the school’s website. *See* 34 CFR § 99.7.
- ***Military Recruiters.*** SPPO also administers the military recruiter provisions of the Elementary and Secondary Education Act (ESEA), which contains certain requirements for LEAs that are the recipients of ESEA funds. These provisions, as well as the Department of Defense companion law, give military recruiters the same access to secondary students as provided to postsecondary institutions or to prospective employers and require that schools provide student information to military recruiters, when requested, unless the parent has opted out of providing such information. The information schools are required to provide to military recruiters include student names, addresses, electronic mailing addresses, and telephone listings. *See* Section 8528 of the ESEA, as amended, 20 U.S.C. § 7908 and 10 U.S.C. § 503(c).

- ***Assurance of Compliance.*** As part of SPPO’s fulfillment of the Secretary’s priority to take proactive action to enforce FERPA, pursuant to the authority under 20 U.S.C. §1232g(f), 34 CFR §§ 99.60 and 99.62, SPPO is requesting that each SEA submit no later than April 30, 2025, documentation such as “reports, information on policies and procedures, annual notifications, training materials or other information necessary” to provide assurance that the SEA and their respective LEAs are complying with the provisions of FERPA and PPRA, specifically with regard to the priority concerns previously discussed. In an effort to expedite the processing of this information, please email your response to my attention at [SAOP@ed.gov](mailto:SAOP@ed.gov), including the name of the SEA in the subject line. In lieu of sending your response electronically, you may send your written response to the following address:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202 – 8520

SPPO is available to assist you with your questions about FERPA, PPRA, and student privacy. We encourage you to sign up for our monthly student privacy newsletter or submit your questions directly to our student privacy help desk by visiting the “Contact” tab at <https://studentprivacy.ed.gov/>.

Thank you for the vital work you do every day to safeguard student privacy and create safe and effective learning environments for our students nationwide.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank E. Miller Jr.", is positioned above the printed name.

Frank E. Miller Jr.  
Acting Director  
Student Privacy Policy Office