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EDUCATION LAW ALERT

U.S. Department of Education Issues Guidance on Amendments to FERPA

The Uninterrupted Scholars Act (USA) has amended the Family Educational Rights and Privacy Act (FERPA). These amendments to FERPA also affect the confidentiality provisions in 20 U.S.C. § 1417(c), which apply to Parts B and C of the Individuals with Disabilities Education Act (IDEA).

The USA amends FERPA to permit educational agencies and institutions to disclose a student's education records, without parental consent, to either (1) a caseworker or other representative of a State, (2) local child welfare agency, or (3) tribal organization authorized to access a student's case plan, "when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student." The second amendment allows educational agencies and institutions to disclose a student's education records pursuant to a judicial order without requiring additional notice to the parent by the educational agency or institution in specified types of judicial proceedings in which a parent is involved.

The U.S. Department of Education has issued guidance on these amendments at:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf>.

This alert can also be read on our Education Law blog: <http://www.hancocklaw.com/education-law-blog/>

If you have any questions or would like more information on the issues discussed in this communication, please contact any of the following Hancock Estabrook attorneys:

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