



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INNOVATION AND IMPROVEMENT

Mr. Jack L. Guinn
Executive Director
Louisiana Student Financial
Assistance Commission
P.O. Box 91202
Baton Rouge, Louisiana 70821-9202

MAY 26 2006

Dear Mr. Guinn:

This is in response to your letter concerning the applicability of the Family Educational Rights and Privacy Act (FERPA) to disclosure of records related to student financial assistance. This Office administers FERPA, which addresses issues that relate to students' education records. You ask whether FERPA permits postsecondary institutions in Louisiana to disclose to the Louisiana Student Financial Assistance Commission (Commission) enrollment and academic data about financial aid students.

In your letter, you explain that the Commission is the designated guarantor in Louisiana for student loans made under the Federal Family Education Loan Program. You state that the Commission also administers other State and federal student aid programs. The Commission requires that each postsecondary institution provide certain information regarding all students applying for and receiving awards from these programs.

FERPA is a Federal law that gives eligible students the right to have some control over the disclosure of information from their education records. Specifically, FERPA provides that an educational agency or institution generally may not disclose personally identifiable information from a student's education records to a third party unless the student has provided prior written consent. 34 CFR § 99.30. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. 20 U.S.C. §§ 1232g(a)(4)(A)(i) and (ii) and 34 CFR § 99.3 "Education records." The rights transfer to the student at age 18, or when he or she begins attending a postsecondary institution. 34 CFR § 99.3 "Eligible student."

FERPA permits the nonconsensual disclosure of education records when the disclosure is "in connection with a student's application for, or receipt of, financial aid." 20 U.S.C. § 1232g(b)(1)(D). FERPA defines "financial aid" as a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

34 CFR § 99.31(a)(4)(ii). The FERPA regulations further provide that consent is not required when:

[t]he disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to--

- (A) Determine eligibility for the aid;
- (B) Determine the amount of the aid;
- (C) Determine the conditions for the aid; or
- (D) Enforce the terms and conditions of the aid.

34 CFR § 99.31(a)(4). Accordingly, FERPA would permit disclosure of enrollment and academic data about financial aid students if any of the provisions described above apply.

I trust that the above information is helpful in explaining FERPA as it relates to your inquiry. If this Office can provide further assistance please do not hesitate to contact us.

Sincerely,



LeRoy S. Rooker
Director
Family Policy Compliance Office