

Exceptions to Student Consent for Release of Educational Records

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As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records - including your Social Security Number, grades, or other private information - may be accessed without your consent.

First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution.

Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities.

In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information

about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

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FERPA allows the institution the right to disclose student records or identifiable information without the student's consent under the following circumstances:

- To authorized representatives for audit of Federal or State supported programs.
- To university employees who are in the process of carrying out their specifically assigned educational or administrative responsibilities acting in the student's educational interest, including contractors, consultants, volunteers and other outside providers used by the University of Colorado Boulder, including the University of Colorado Foundation and the National Student Clearinghouse.
- Veteran's Administration officials
- Officials of other institutions in which a student seeks or intends to enroll, after transfer enrollment or admission, disability and other health records may be released in the event of an emergency in the need to protect the health and safety of a student or other persons under FERPA.
- Persons or organizations providing financial aid to students.
- Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs or to improve instruction, provided that individual identity of students is not made.
- Accrediting organizations carrying out their accrediting functions.

- Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152; in connection with a health and safety emergency in connection with § 99.36; or the student is under 21 and has violated a federal, state or local law or a policy of the university related to the use or possession of alcohol or a controlled substance.
- Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the student in advance of compliance. NOTE: The institution is not required to notify the student if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the institution not to disclose the existence or contents of the subpoena.
- Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.
- An alleged victim of any crime of violence or the results of any institutional disciplinary proceeding against the alleged perpetrator. The information may only be given in respect to the crime committed.
- Schools may disclose personally identifiable information from education records to an outside contractor without prior written student consent if the outside contractor is a "party acting for" the institution and is performing a service which the institution would otherwise have to perform for itself (as in the case of the National Student Loan Clearinghouse for loan verification).
- Representatives of the Department of Homeland Security or Immigration and Customs Enforcement, for purposes of the coordinated interagency partnership regulating the Student and Exchange Visitor Information System (SEVIS).
- FERPA has been amended to permit educational agencies and institutions to disclose personally identifiable information from the student's records to the Attorney General of the United States or to his designee in response to an *ex parte* order in connection with the investigation or prosecution of terrorism crimes, under the US Patriot Act.
- Allows the return of an educational record, or information from an educational record, to the party identified as the provider or creator of the record.
- Information regarding a registered sex offender's enrollment or employment status, or any changes of such.
- If the school determines that there is an articulable and significant threat to the health and safety to a student or other individuals, it may disclose information from educational records to appropriate parties.

