Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hour \_\_\_\_\_\_\_\_\_

**Article 2 Handout: “FERPA Fundamentalism: How a federal law designed to protect student privacy is being misinterpreted to injure press freedom”**

**Background**

1. The 1974 Family Educational Rights and Privacy Act protects what?

**“FERPA gives students (and the parents of minors) the right to inspect and confirm the accuracy of their own education records.”**

**“Second, FERPA prohibits disclosure of most education records and "personally identifiable information in education records" without the student's (or the student's parent's) written consent.”**

2. What are some exceptions to FERPA?

**• disclosure of “directory information”: such as names, addresses, telephone numbers, photos, participation in activities and teams, dates of attendance, degrees or awards received.**

3. The information must be **collected** and **maintained** by the public institution.

**FERPA and the Student Press**

4. What’s the problem with photographs being deemed directory information?

**parents could exclude their child’s picture and information (even those taken independently by the student yearbook photographers).**

5. What could be a problem with having a list of “approved” and “not approved” list for student publications?

**• student media could only publish names from “approved” list**

**• students not on this list couldn’t be included -- other students would be off limits.**

**• students who are the subject of not-so-flattering news could opt-out to avoid being included.**

6. What are some legal implications of such lists?

**• libel law or invasion of privacy: incomplete information can be misleading**

**FERPA and the Courts**

7. One important distinction involves who is disclosing the information. What is this important distinction?

**students are not agents of the school, therefore FERPA isn’t applicable**

8. Why is *Frasca v Andrews* so important in this section?

**an instance in which the courts refused to extend FERPA to student media.**

**FERPA and the Department of Education**

9. Does FERPA apply to police reports?

**no**

10. According to the article, has the Department of Education ever enforced a FERPA claim against student media?

**no**

11. True or False: If the students make the content decisions, then FERPA couldn’t apply.

**true**

12. What case rejected the idea that “online media were entitled to a lesser level or First Amendment protection”?

***Reno v. American Civil Liberties Union***