



MONTHLY FAST FERPA FACT - MARCH 2007

Implied Consent and FERPA and The Media

Nothing in FERPA allows an institution to discuss a student's education records publicly—even if a lawsuit has made the information a matter of public record. Likewise, a school official may not assume that a student's public discussion of a matter constitutes an implied consent for the school official to disclose anything other than directory information in reply. The school official who wishes to respond to the media (or third party) should ask the student for a properly executed consent form.

Case Study - Ted Student is a very outspoken and well-known student at the College. In a recent news article in the local paper, he discussed a great deal of information about his academic rigor concerns he experienced while attending the College. Nosy Reporter calls you to confirm the information and to get some more details. What should you tell him?

You can only give out directory information (assuming Ted does not have a "No Release."). Just because the information has been made public, you still need a student release. There is no implied consent with FERPA.