

Pt. 99

(b) If, after an investigation under §98.9, the Secretary finds that a recipient or contractor has complied voluntarily with section 439 of the Act, the Secretary provides the complainant and the recipient or contractor written notice of the decision and the basis for the decision.

(Authority: 20 U.S.C. 1221e-3(a)(1), 1232h)

PART 99—FAMILY EDUCATIONAL RIGHTS AND PRIVACY

Subpart A—General

Sec.

- 99.1 To which educational agencies or institutions do these regulations apply?
- 99.2 What is the purpose of these regulations?
- 99.3 What definitions apply to these regulations?
- 99.4 What are the rights of parents?
- 99.5 What are the rights of students?
- 99.6 [Reserved]
- 99.7 What must an educational agency or institution include in its annual notification?
- 99.8 What provisions apply to records of a law enforcement unit?

Subpart B—What Are the Rights of Inspection and Review of Education Records?

- 99.10 What rights exist for a parent or eligible student to inspect and review education records?
- 99.11 May an educational agency or institution charge a fee for copies of education records?
- 99.12 What limitations exist on the right to inspect and review records?

Subpart C—What Are the Procedures for Amending Education Records?

- 99.20 How can a parent or eligible student request amendment of the student's education records?
- 99.21 Under what conditions does a parent or eligible student have the right to a hearing?
- 99.22 What minimum requirements exist for the conduct of a hearing?

Subpart D—May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

- 99.30 Under what conditions is prior consent required to disclose information?
- 99.31 Under what conditions is prior consent not required to disclose information?

34 CFR Subtitle A (7-1-01 Edition)

- 99.32 What recordkeeping requirements exist concerning requests and disclosures?
- 99.33 What limitations apply to the re-disclosure of information?
- 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?
- 99.35 What conditions apply to disclosure of information for Federal or State program purposes?
- 99.36 What conditions apply to disclosure of information in health and safety emergencies?
- 99.37 What conditions apply to disclosing directory information?
- 99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974, concerning the juvenile justice system?
- 99.39 What definitions apply to the non-consensual disclosure of records by post-secondary educational institutions in connection with disciplinary proceedings concerning crimes of violence or non-forcible sex offenses?

Subpart E—What Are the Enforcement Procedures?

- 99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?
- 99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?
- 99.62 What information must an educational agency or institution submit to the Office?
- 99.63 Where are complaints filed?
- 99.64 What is the complaint procedure?
- 99.65 What is the content of the notice of complaint issued by the Office?
- 99.66 What are the responsibilities of the Office in the enforcement process?
- 99.67 How does the Secretary enforce decisions?

APPENDIX A TO PART 99—CRIMES OF VIOLENCE DEFINITIONS

AUTHORITY: 20 U.S.C. 1232g, unless otherwise noted.

SOURCE: 53 FR 11943, Apr. 11, 1988, unless otherwise noted.

Subpart A—General

§99.1 To which educational agencies or institutions do these regulations apply?

(a) Except as otherwise noted in §99.10, this part applies to an educational agency or institution to which funds have been made available under

any program administered by the Secretary, if—

(1) The educational institution provides educational services or instruction, or both, to students; or

(2) The educational agency is authorized to direct and control public elementary or secondary, or postsecondary educational institutions.

(b) This part does not apply to an educational agency or institution solely because students attending that agency or institution receive non-monetary benefits under a program referenced in paragraph (a) of this section, if no funds under that program are made available to the agency or institution.

(c) The Secretary considers funds to be made available to an educational agency or institution of funds under one or more of the programs referenced in paragraph (a) of this section—

(1) Are provided to the agency or institution by grant, cooperative agreement, contract, subgrant, or sub-contract; or

(2) Are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Pell Grant Program and the Guaranteed Student Loan Program (titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).

(d) If an educational agency or institution receives funds under one or more of the programs covered by this section, the regulations in this part apply to the recipient as a whole, including each of its components (such as a department within a university).

(Authority: 20 U.S.C. 1232g)

[53 FR 11943, Apr. 11, 1988, as amended at 61 FR 59295, Nov. 21, 1996; 65 FR 41852, July 6, 2000]

§ 99.2 What is the purpose of these regulations?

The purpose of this part is to set out requirements for the protection of privacy of parents and students under section 444 of the General Education Provisions Act, as amended.

(Authority: 20 U.S.C. 1232g)

NOTE: 34 CFR 300.560-300.576 contain requirements regarding confidentiality of in-

formation relating to handicapped children who receive benefits under the Education of the Handicapped Act.

[53 FR 11943, Apr. 11, 1988, as amended at 61 FR 59295, Nov. 21, 1996]

§ 99.3 What definitions apply to these regulations?

The following definitions apply to this part:

Act means the Family Educational Rights and Privacy Act of 1974, as amended, enacted as section 444 of the General Education Provisions Act.

(Authority: 20 U.S.C. 1232g)

Attendance includes, but is not limited to:

(a) Attendance in person or by correspondence; and

(b) The period during which a person is working under a work-study program.

(Authority: 20 U.S.C. 1232g)

Dates of attendance. (a) The term means the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester, or a first quarter.

(b) The term does not include specific daily records of a student's attendance at an educational agency or institution.

(Authority: 20 U.S.C. 1232g(a)(5)(A))

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (*e.g.*, undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

(Authority: 20 U.S.C. 1232g(a)(5)(A))

Disciplinary action or proceeding means the investigation, adjudication,