



ASK THE **FERPA** PROFESSORS

Expert answers to your **FERPA** questions.

SEPTEMBER 19, 2022

DEAR FERPA PROFESSORS,

Does FERPA apply to students who are living in off-campus apartments? If we have unpaid rent or deposits and need to speak with Mom/Dad can we? We do not apply financial aid to the apartments.

Thanks,
Mr. Carol

DEAR MR. CAROL,

Housing records at the College would be education records on the identified students and FERPA rights are vested with the student at the postsecondary level. Thus, in order for education records to be disclosed to a student's parents, the student would need to provide a signed consent that meets the requirements of § 99.30 of the FERPA regulations or the conditions of one of the exceptions to signed consent found at § 99.31. One of those exceptions is § 99.31(a)(8), the dependent student exceptions. This exception is based on the IRS tax code and requires that the student be claimed on the parents tax return. If this is the case, then education records, including financial information, may be disclosed to the parents.

I hope this is helpful in answering your question. You can find the above-cited regulations on pages 159 and 161 of the 2012 AACRAO FERPA Guide.

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