



FACT SHEET

HOW TO OPT OUT OF SHARING PERSONAL STUDENT INFORMATION (KNOWN AS “DIRECTORY INFORMATION”)

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Although federal law generally prohibits schools from sharing student records, the law permits schools to disclose certain basic information (such as student name, address, phone number, date and place of birth) without consent unless a parent (or student age 18 or older) “opts out” of sharing this “directory information.” This fact sheet explains your rights to keep this information private, if you wish, and provides a “[Request to Opt Out of Directory Information](#)” form to share with your school.

ARE SCHOOLS ALLOWED TO DISCLOSE CERTAIN STUDENT INFORMATION?

Yes. In general, the Federal Educational Rights and Privacy Act (FERPA) prohibits schools from sharing most student information with anyone outside the school (with limited exceptions) without first obtaining written consent from a student’s parent, guardian, caregiver, or the student if they are age 18 or older.¹ However, FERPA allows schools to share certain basic information, called “directory information,”² **without** consent from a parent or an “eligible student” (defined as a student age 18 or older or a person who is attending college or other post-secondary school).³

WHAT IS “DIRECTORY INFORMATION”?

Directory information is “information contained in a student’s educational record that would generally not be considered harmful or an invasion of privacy if disclosed.”⁴ Though schools are able to designate what is considered directory information, such information can include, but is not limited to: student’s name; address; telephone number; date and place of birth; email address; photographs; grade level; enrollment status; dates of attendance; and participation in officially recognized activities and sports.⁵ Directory information does **not** include a student’s Social Security number (which cannot be required by a school district).⁶

CAN I STOP MY SCHOOL FROM DISCLOSING DIRECTORY INFORMATION ABOUT MY CHILD?

Yes. A current student’s parent(s), guardian, caregiver or an “eligible student” must be notified every year of their right to “opt out” of disclosing directory information by making a **written request** to opt out within the school’s specified timeline; otherwise, a student’s directory information can be released without prior consent.⁷

WHAT ARE MY SCHOOL’S OBLIGATIONS RELATING TO DIRECTORY INFORMATION?

Under FERPA, schools have the discretion to determine what “personally identifiable information” is considered to be directory information.⁸ Schools can choose to limit the disclosure of directory information to “specific parties, for specific purposes, or both” and must specify this in the annual public notice.⁹ If a school uses such limitations, it can only disclose directory information that’s consistent with these parameters, if a student has not been opted out.¹⁰

Schools are legally required to provide an annual opportunity for the parent(s) of current students and “eligible students” to opt out of the disclosure of directory information and notify families of the deadline for opting out.¹¹ The school’s timeline must be reasonable.¹² This notice must advise current eligible students and the parent(s) of current students about their right to opt out and how to do so.¹³ Annual notifications must be provided in a manner that is “reasonably likely to inform parents or eligible students of their rights,”¹⁴ including providing notice in a language that they understand.¹⁵

WILL A FORMER STUDENT’S DIRECTORY INFORMATION REMAIN PRIVATE IF THEY WERE PREVIOUSLY OPTED OUT OF DISCLOSURE?

Yes. Although schools are not legally required to provide annual notice to former students regarding disclosure of directory information,¹⁶ if a student is no longer attending the school, the school is required to “honor any valid request to opt out of the disclosure of directory information made while the student was in attendance unless the student rescinds the opt out” of their student records.¹⁷

HOW CAN A PARENT OR CURRENT ELIGIBLE STUDENT OPT OUT OF DISCLOSING DIRECTORY INFORMATION?

Current parents and eligible students have the right to opt out of disclosing any or all of the information that the school has designated as directory information.¹⁸ However, they **must take timely action** to opt out of directory information disclosure by making their position known in writing. If they don’t, it can be released by the school without their prior written consent.¹⁹ An important note: Current eligible students and the parent(s) of current students **do not need to provide any reason for their decision to opt out**, but they do need to tell their school in writing. “Directory Information Opt Out Forms” for parents and for eligible students are attached below.

Steps to Take If You Don’t Want to Disclose ‘Directory Information’

To opt out, a current “eligible student” or the parent(s) of a current student should:

1. Find out what information the student’s school considers to be “directory information.”
2. Make a written opt-out request to the school.
 - a. You can request the school’s specific “Directory Information Opt-Out Form” if one is available or download it from your school’s website.
 - b. If your school’s form is not available, consider using the form attached to this Fact Sheet.
3. Be sure to submit the written request before your school’s deadline.
 - a. Sometimes, schools will still accept an opt-out after the deadline, but this is not required.
4. Keep a copy of your written request to opt out.

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC’s publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC’s Helpline for information and advice – visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

¹ 20 U.S.C. §1232g(b)(1); 34 CFR § 99.30. See 34 CFR § 99.3 (Defining Parent as “a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian” and eligible student as “a student who has reached 18 years of age or is attending an institution of postsecondary education).

² 20 U.S.C. §1232g(b)(1).

³ 20 U.S.C. §1232g(d); See also 34 CFR §99.3(Eligible student means “a student who has reached 18 years of age or is attending an institution of postsecondary education.”

⁴ 34 CFR § 99.3.

⁵ 20 U.S. Code § 1232(g)(5)(A); 34 CFR § 99.3.

⁶ *Id.* See *Plyler v. Doe*, 457 U.S. 202 (1982) (public schools may not prohibit migrant children from attending school); 22 PA. CODE § 11.11(d); *Basic Educ. Circular, Enrollment of Students*, PA. DEP’T OF EDUC., 3 (2009) [Hereinafter “Enrollment BEC”], <https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-becs/purdons-statutes/enrollment-of-students>.

⁷ 34 CFR § 99.37(a).

⁸ 20 U.S. Code § 1232(g)(5)(B); 34 CFR § 99.37(a)(1).

⁹ 34 CFR § 99.37(d).

¹⁰ *Id.*

¹¹ 20 U.S. Code § 1232(g)(5)(B); 34 CFR § 99.37(a).

¹² 20 U.S. Code § 1232(g)(5)(B).

¹³ 34 CFR § 99.37(a)(2).

¹⁴ 34 CFR § 99.7 (b).

¹⁵ 34 CFR § 99.7 (b)(2).

¹⁶ 34 CFR § 99.37(b).

¹⁷ *Id.*

¹⁸ 20 U.S. Code § 1232(g)(5)(B); 34 CFR § 99.37(a)(2).

¹⁹ 20 U.S. Code § 1232(g)(5)(B); 34 CFR § 99.37(a)(3).