# Oregon joins 18 states in lawsuit against US Education Department over student privacy compliance and funding threats



Oregon is among 19 states currently engaged in legal action against the U.S. Department of Education following federal demands that state education agencies provide proof of compliance with federal student privacy laws. This dispute centres on a letter sent in March by Education Secretary Linda McMahon and Frank Miller, acting director of the department’s Student Privacy Policy Office, which gave states a deadline of April 30 to demonstrate adherence to the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Protection of Pupil Rights Amendment (PPRA). The letter implied that numerous schools and districts might be violating these laws by using methods that prevent parents from accessing student records, particularly concerning gender identity information.

The March 28 letter contended that some schools create “gender plans” excluded from official student records to withhold such information from parents. Secretary McMahon referenced reports from young people who previously identified as transgender about schools’ efforts to conceal this information from their parents. However, the letter did not provide specific evidence to support these claims or indicate how widespread the issue might be.

In response, Charlene Williams, director of the Oregon Department of Education, wrote back on April 24 emphasizing that Oregon has long codified the protections embodied in FERPA within state law. Williams detailed that Oregon ensures parents and students are well-informed about their rights to access, amend, and control disclosure of education records. She highlighted procedures to communicate these rights effectively, including provisions for parents and students with disabilities or those for whom English is not a first language. Additionally, she noted ongoing training for school staff on data governance and privacy.

The PPRA mandates that parents be notified before students participate in surveys about personal topics such as political beliefs, sexuality, religion, or income. It also grants parents the right to review such surveys and opt their children out. Both Oregon and federal laws require local school districts to provide annual notifications about privacy rights to parents and students, frequently via school websites.

Following these exchanges, Oregon’s Attorney General Dan Rayfield joined a coalition of 19 Democratic attorneys general in suing the U.S. Department of Education on April 25. The lawsuit challenges the federal agency’s threat to withhold funding from schools that do not comply with the department’s demands, a move that could affect approximately $1.5 billion in federal funds Oregon schools receive annually. Governor Tina Kotek underscored the state's position in a news release, stating, “We will not tolerate this unwarranted and unlawful attempt to take away resources promised to Oregon students and paid for by the tax dollars we send to the federal government.”

While FERPA violations theoretically risk schools losing all federal funding, the U.S. Department of Education has historically not enforced this penalty. According to a June 2024 report by the Public Interest Privacy Center, a nonprofit based in Virginia, this penalty has never been applied.

Frank Miller clarified in an email to state leaders that the department’s review process is not a “pass/fail” exercise but may involve follow-up interactions with states on a collective or individual basis as needed.

The Oregon Department of Education has assured local school districts that it will continue to protect federal funding for the state's children amid this dispute.

The Yahoo report is providing these details surrounding the ongoing tensions between state education authorities and the federal government regarding student privacy compliance and federal funding compliance demands.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.osba.org/us-department-of-education-seeks-assurances-of-ferpa-compliance/> - This article discusses the U.S. Department of Education's March 28 letter to state education agencies, including Oregon, seeking assurances of compliance with FERPA and PPRA, and the deadline of April 30 for states to respond.
2. <https://www.oregon.gov/ode/students-and-family/Pages/Student-Records-and-Privacy.aspx> - This page from the Oregon Department of Education outlines the state's commitment to FERPA compliance, detailing how Oregon ensures parents and students are informed about their rights to access, amend, and control disclosure of education records.
3. <https://www.oregon.gov/ode/schools-and-districts/Pages/Federal-Actions.aspx> - This update from the Oregon Department of Education provides information on the department's response to federal actions, including the review of the U.S. Department of Education's communications and their potential impacts on Oregon.
4. <https://www.ed.gov/laws-and-policy/ferpa/ferpa-overview> - This page from the U.S. Department of Education provides an overview of FERPA, detailing the rights it grants to parents and eligible students regarding education records, and the obligations of educational institutions under the law.
5. <https://www.ed.gov/about/ed-offices/opepd/student-privacy-policy-office> - This page introduces the Student Privacy Policy Office (SPPO) within the U.S. Department of Education, which leads efforts to protect student privacy and ensures compliance with federal privacy laws, including FERPA and PPRA.
6. <https://www.ed.gov/about/ed-offices/opepd/student-privacy-policy-office> - This page introduces the Student Privacy Policy Office (SPPO) within the U.S. Department of Education, which leads efforts to protect student privacy and ensures compliance with federal privacy laws, including FERPA and PPRA.
7. <https://news.google.com/rss/articles/CBMif0FVX3lxTE53TnJTSGpwcU1tdzVhMDQ2Q1RRMF9meGpOcEt0LWFFWnF0MzVranlsUWU3NWMwNXZOTmNJS2hWMlAwVlVBc0ExbmhSM2s4SzllRTUzaEVxajVmOUVFc3ctOFYxRFFzTVkxdE9PTVNhWlNQNHRBWkl5cTd4cVB5alE?oc=5&hl=en-US&gl=US&ceid=US:en> - Please view link - unable to able to access data