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A Summary of the Miami University FERPA Law Incident:

The Ohio Supreme Court ruled in favor of the student newspaper, The Miami Student, in their case against Miami University, allowing the release of disciplinary records. The majority opinion, written by Justice Francis Sweeney, found that the records were not protected by the Family Educational Rights and Privacy Act (FERPA), which generally prohibits the release of student records without the student's consent. The court reasoned that the records in question did not contain any educationally related information, such as grades or other academic data. Instead, they contained information about student conduct, such as alcohol violations and physical and sexual assault. The court found that this information was not protected by FERPA because it was not "related to the student's academic record or to the student's ability to receive an education."

The US Circuit Court, however, disagreed with the Ohio Supreme Court's decision. In a 2-1 decision, the court found that the records were protected by FERPA because they were "maintained by an educational institution" and "contained information directly related to a student." The court also found that the Ohio Supreme Court's decision violated the First Amendment right to freedom of the press. The dissent in the Ohio Supreme Court case, written by Justice Thomas Moyer, argued that the majority opinion was too broad and would lead to the

release of confidential student information. Justice Moyer argued that the court should have focused on the specific records that were requested by The Miami Student, rather than on the general category of disciplinary records.

Risk v. Reward: Weighing the Impact

On one hand, the public should have a right to know. We have records about people's criminal history and the release of such is a freedom of the press, and a freedom for the people to benefit from. There is a necessity to understand that the privacy we value needs to be weighed in context, and taken with a grain of salt in nuanced scenarios.

The court's decision in the Ohio University case does not mean that FERPA does not cover disciplinary records for adult students. It simply means that schools cannot release disciplinary records to the media without a legitimate reason. Schools are still required to keep disciplinary records confidential, and they can only disclose this information to authorized individuals or entities. The OU Case was an incident that intended to help but in fact violated many other principles we value in this country - dearly. The student was accused, not convicted. This violates the principle of innocent until proven guilty, as if it went to a criminal trial he would be judged by a jury of his peers - which could have influence from public opinion generated by the release of this information. This breaks the necessity for due process and incentivises forms of social vigilantism. The necessity to have access to certain forms of information is a reasonable desire for any society. However, the release of said information should be done so in a clearly defined manner and not conflict with major moral, civil, or criminal boundaries we've set forth.

How might the US Supreme court rule?

I would think that they might rule against it. The idea behind the case is good, but it is an exception to say the least. Even though there is good intent in the “violation of privacy” the Supreme Court would likely not rule in favor of the victim as it could set legal precedent that violates the concept of Stare Decisis. The judicial principle of not changing an entire set of Laws due to an exception, as opposed to the general rule, is known as stare decisis. Stare decisis is a Latin term that means "to stand by things decided." In the context of law, stare decisis refers to the principle that courts should follow the precedents set by previous laws. This principle is based on the idea that the law should be stable and predictable. There are a few exceptions to the principle of stare decisis. For example, courts may overturn precedent if the precedent is no longer good law, or if the precedent is in conflict with a higher authority. However, courts generally do not overturn precedent lightly.

The principle of stare decisis is important because it helps to ensure that the law is applied fairly and consistently. For example we can see this in *Brown v. Board of Education*, 347 U.S. 483 (1954). This Supreme Court case overturned the precedent of *Plessy v. Ferguson* (1896), which had held that "separate but equal" public accommodations did not violate the Constitution. In *Brown*, the Court found that segregation in public schools was inherently unequal and therefore violated the Equal Protection Clause of the Fourteenth Amendment. When we have judges deciding the legitimacy of our laws based on stability and honesty - we benefit greatly from it. In the case of *Brown v. Board*, the Supreme Court overturned the precedent because it violated the Constitution - which is one of the overarching legal foundations that we have in this nation. Stare Decisis theoretically helps to prevent judges from making arbitrary

decisions based on their own personal preferences. The principle of stare decisis aims to ensure the fairness, stability, and predictability of the law. However, it is important to be aware of its limitations, and to be willing to overturn precedent when necessary.