

Though FERPA was originally passed with the intention of allowing students access to their own education records, the Act has since been amended many times, and it is no longer clear what qualifies as an "education record" or who has access to those records. Today, colleges and universities use FERPA to protect a broad range of information from disclosure, but press outlets that want access to information claim that colleges and universities are protecting too much under the guise of FERPA. Press outlets have focused on two main arguments to gain access to information held by colleges and universities: (1) the First Amendment freedom of the press and its related right to access certain information, and (2) the right to access public records under state open records laws. However, neither of these avenues has produced the access desired by the media. Going forward, press outlets may be more likely to reach outcomes in their favor if, instead of arguing that they simply have a right to access the information, they argue that the information is not "education record" and thus, is not protected.