SUPREME COURT OF THE UNITED STATES

No. 01–679

GONZAGA UNIVERSITY AND ROBERTA S. LEAGUE, PETITIONERS *v.* JOHN DOE

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF WASHINGTON

[June 20, 2002]

CHIEF JUSTICE REHNQUIST delivered the opinion of the Court.

The question presented is whether a student may sue a private university for damages under Rev. Stat. §1979, 42 U. S. C. §1983 (1994 ed., Supp. V), to enforce provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA or Act), 88 Stat. 571, 20 U. S. C. §1232g, which prohibit the federal funding of educational institutions that have a policy or practice of releasing education records to unauthorized persons. We hold such an action foreclosed because the relevant provisions of FERPA create no personal rights to enforce under 42 U. S. C. §1983 (1994 ed., Supp. V).

Respondent John Doe is a former undergraduate in the School of Education at Gonzaga University, a private university in Spokane, Washington. He planned to graduate and teach at a Washington public elementary school. Washington at the time required all of its new teachers to obtain an affidavit of good moral character from a dean of their graduating college or university. In October 1993, Roberta League, Gonzaga's "teacher certification specialist," overheard one student tell another that respondent

engaged in acts of sexual misconduct against Jane Doe, a female undergraduate. League launched an investigation and contacted the state agency responsible for teacher certification, identifying respondent by name and discussing the allegations against him. Respondent did not learn of the investigation, or that information about him had been disclosed, until March 1994, when he was told by League and others that he would not receive the affidavit required for certification as a Washington schoolteacher.

Respondent then sued Gonzaga and League (petitioners) in state court. He alleged violations of Washington tort and contract law, as well as a pendent violation of §1983 for the release of personal information to an "unauthorized person" in violation of FERPA.[1] A jury found for respondent on all counts, awarding him $1,155,000, including $150,000 in compensatory damages and $300,000 in punitive damages on the FERPA claim.

The Washington Court of Appeals reversed in relevant part, concluding that FERPA does not create individual rights and thus cannot be enforced under §1983. 99 Wash. App. 338, 992 P. 2d 545 (2000). The Washington Supreme Court reversed that decision, and ordered the FERPA damages reinstated. 143 Wash. 2d 687, 24 P. 3d 390 (2001). The court acknowledged that "FERPA itself does not give rise to a private cause of action," but reasoned that FERPA's nondisclosure provision "gives rise to a federal

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[1]The Washington Court of Appeals and the Washington Supreme Court found petitioners to have acted "under color of state law" for purposes of §1983 when they disclosed respondent's personal information to state officials in connection with state-law teacher certification requirements. 143 Wash. 2d 687, 710–711, 24 P. 3d, 390, 401–402 (2001). Although the petition for certiorari challenged this holding, we agreed to review only the question posed in the first paragraph of this opinion, a question reserved in *Owasso Independent School Dist. No. I–011* v. *Falvo,* 534 U. S. 426, 430–431 (2002). We therefore assume without deciding that the relevant disclosures occurred under color of state law.

right enforceable under section 1983." *Id.*, at 707–708, 24 P. 3d, at 400.

Like the Washington Supreme Court and the state court of appeals below, other state and federal courts have divided on the question of FERPA's enforceability under §1983.[2] The fact that all of these courts have relied on the same set of opinions from this Court suggests that our opinions in this area may not be models of clarity. We therefore granted certiorari, 534 U. S. 1103 (2002), to resolve the conflict among the lower courts and in the process resolve any ambiguity in our own opinions.

Congress enacted FERPA under its spending power to condition the receipt of federal funds on certain requirements relating to the access and disclosure of student educational records. The Act directs the Secretary of Education to withhold federal funds from any public or private "educational agency or institution" that fails to comply with these conditions. As relevant here, the Act provides:

> "No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein . . .) of students without the written consent of their parents to any individual, agency, or organization." 20 U. S. C. §1232g(b)(1).

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[2] Compare *Gundlach* v. *Reinstein*, 924 F. Supp. 684, 692 (ED Pa. 1996) (FERPA confers no enforceable rights because it contains "no unambiguous intention on the part of the Congress to permit the invocation of §1983 to redress an individual release of records"), aff'd, 114 F. 3d 1172 (CA3 1997); and *Meury* v. *Eagle-Union Community School Corp.*, 714 N. E. 2d 233, 239 (Ind. Ct. App. 1999) (same), with *Falvo* v. *Owasso Independent School Dist. No. I–011,* 233 F. 3d 1203, 1210 (CA10 2000) (concluding that release of records in "violation of FERPA . . . is actionable under . . . §1983"), rev'd on other grounds, 534 U. S. 426 (2002); and *Brown* v. *Oneonta*, 106 F. 3d 1125, 1131–1132 (CA2 1997) (same).

The Act directs the Secretary of Education to enforce this and other of the Act's spending conditions. §1232g(f). The Secretary is required to establish an office and review board within the Department of Education for "investigating, processing, reviewing, and adjudicating violations of [the Act]." §1232g(g). Funds may be terminated only if the Secretary determines that a recipient institution "is failing to comply substantially with any requirement of [the Act]" and that such compliance "cannot be secured by voluntary means." §§1234c(a), 1232g(f).

Respondent contends that this statutory regime confers upon any student enrolled at a covered school or institution a federal right, enforceable in suits for damages under §1983, not to have "education records" disclosed to unauthorized persons without the student's express written consent. But we have never before held, and decline to do so here, that spending legislation drafted in terms resembling those of FERPA can confer enforceable rights.

In *Maine* v. *Thiboutot,* 448 U. S. 1 (1980), six years after Congress enacted FERPA, we recognized for the first time that §1983 actions may be brought against state actors to enforce rights created by federal statutes as well as by the Constitution. There we held that plaintiffs could recover payments wrongfully withheld by a state agency in violation of the Social Security Act. *Id.*, at 4. A year later, in *Pennhurst State School and Hospital* v. *Halderman,* 451 U. S. 1 (1981), we rejected a claim that the Developmentally Disabled Assistance and Bill of Rights Act of 1975 conferred enforceable rights, saying:

> "In legislation enacted pursuant to the spending power, the typical remedy for state noncompliance with federally imposed conditions is not a private cause of action for noncompliance but rather action by the Federal Government to terminate funds to the State." *Id.*, at 28.

We made clear that unless Congress "speak[s] with a clear voice," and manifests an "unambiguous" intent to confer individual rights, federal funding provisions provide no basis for private enforcement by §1983. *Id.,* at 17, 28, and n. 21.

Since *Pennhurst*, only twice have we found spending legislation to give rise to enforceable rights. In *Wright* v. *Roanoke Redevelopment and Housing Authority,* 479 U. S. 418 (1987), we allowed a §1983 suit by tenants to recover past overcharges under a rent-ceiling provision of the Public Housing Act, on the ground that the provision unambiguously conferred "a mandatory [benefit] focusing on the individual family and its income." *Id.*, at 430. The key to our inquiry was that Congress spoke in terms that "could not be clearer," and conferred entitlements "sufficiently specific and definite to qualify as enforceable rights under *Pennhurst*." *Id.*, at 432. Also significant was that the federal agency charged with administering the Public Housing Act "ha[d] never provided a procedure by which tenants could complain to it about the alleged failures [of state welfare agencies] to abide by [the Act's rent-ceiling provision]." *Id.*, at 426.

Three years later, in *Wilder* v. *Virginia Hospital Assn.,* 496 U. S. 498 (1990), we allowed a §1983 suit brought by health care providers to enforce a reimbursement provision of the Medicaid Act, on the ground that the provision, much like the rent-ceiling provision in *Wright*, explicitly conferred specific monetary entitlements upon the plaintiffs. Congress left no doubt of its intent for private enforcement, we said, because the provision required States to pay an "objective" monetary entitlement to individual health care providers, with no sufficient administrative means of enforcing the requirement against States that failed to comply. 496 U. S., at 522–523.

Our more recent decisions, however, have rejected attempts to infer enforceable rights from Spending Clause

statutes. In *Suter* v. *Artist M.,* 503 U. S. 347 (1992), the Adoption Assistance and Child Welfare Act of 1980 required States receiving funds for adoption assistance to have a "plan" to make "reasonable efforts" to keep children out of foster homes. A class of parents and children sought to enforce this requirement against state officials under §1983, claiming that no such efforts had been made. We read the Act "in the light shed by *Pennhurst*," *id.*, at 358, and found no basis for the suit, saying:

> "Careful examination of the language . . . does not unambiguously confer an enforceable right upon the Act's beneficiaries. The term 'reasonable efforts' in this context is at least as plausibly read to impose only a rather generalized duty on the State, to be enforced not by private individuals, but by the Secretary in the manner [of reducing or eliminating payments]." *Id.*, at 363.

Since the Act conferred no specific, individually enforceable rights, there was no basis for private enforcement, even by a class of the statute's principal beneficiaries. *Id.*, at 357.

Similarly, in *Blessing* v. *Freestone,* 520 U. S. 329 (1997), Title IV–D of the Social Security Act required States receiving federal child-welfare funds to "substantially comply" with requirements designed to ensure timely payment of child support. Five Arizona mothers invoked §1983 against state officials on grounds that state child-welfare agencies consistently failed to meet these requirements. We found no basis for the suit, saying,

> "Far from creating an *individual* entitlement to services, the standard is simply a yardstick for the Secretary to measure the *systemwide* performance of a State's Title IV–D program. Thus, the Secretary must look to the aggregate services provided by the State, not to whether the needs of any particular per-

son have been satisfied." *Id.*, at 343 (emphases in original).

Because the provision focused on "the aggregate services provided by the State," rather than "the needs of any particular person," it conferred no individual rights and thus could not be enforced by §1983. We emphasized: "[T]o seek redress through §1983, . . . a plaintiff must assert the violation of a federal *right*, not merely a violation of federal *law*." *Id.*, at 340 (emphases in original).

Respondent reads this line of cases to establish a relatively loose standard for finding rights enforceable by §1983. He claims that a federal statute confers such rights so long as Congress intended that the statute "benefit" putative plaintiffs. Brief for Respondent 40–46. He further contends that a more "rigorous" inquiry would conflate the standard for inferring a private right of action under §1983 with the standard for inferring a private right of action directly from the statute itself, which he admits would not exist under FERPA. *Id.*, at 41–43. As authority, respondent points to *Blessing* and *Wilder*, which, he says, used the term "benefit" to define the sort of statutory interest enforceable by §1983. See *Blessing, supra*, at 340–341 ("Congress must have intended that the provision in question benefit the plaintiff"); *Wilder, supra*, at 509 (same).

Some language in our opinions might be read to suggest that something less than an unambiguously conferred right is enforceable by §1983. *Blessing*, for example, set forth three "factors" to guide judicial inquiry into whether or not a statute confers a right: "Congress must have intended that the provision in question benefit the plaintiff," "the plaintiff must demonstrate that the right assertedly protected by the statute is not so 'vague and amorphous' that its enforcement would strain judicial resources," and "the provision giving rise to the asserted

right must be couched in mandatory, rather than precatory, terms." 520 U. S., at 340–341. In the same paragraph, however, *Blessing* emphasizes that it is only violations of *rights*, not *laws*, which give rise to §1983 actions. *Id.*, at 340. This confusion has led some courts to interpret *Blessing* as allowing plaintiffs to enforce a statute under §1983 so long as the plaintiff falls within the general zone of interest that the statute is intended to protect; something less than what is required for a statute to create rights enforceable directly from the statute itself under an implied private right of action. Fueling this uncertainty is the notion that our implied private right of action cases have no bearing on the standards for discerning whether a statute creates rights enforceable by §1983. *Wilder* appears to support this notion, 496 U. S., at 508–509, n. 9, while *Suter, supra*, at 363–364, and *Pennhurst*, 451 U. S., at 28, n. 21, appear to disavow it.

We now reject the notion that our cases permit anything short of an unambiguously conferred right to support a cause of action brought under §1983. Section 1983 provides a remedy only for the deprivation of "rights, privileges, or immunities secured by the Constitution and laws" of the United States. Accordingly, it is *rights*, not the broader or vaguer "benefits" or "interests," that may be enforced under the authority of that section. This being so, we further reject the notion that our implied right of action cases are separate and distinct from our §1983 cases. To the contrary, our implied right of action cases should guide the determination of whether a statute confers rights enforceable under §1983.

We have recognized that whether a statutory violation may be enforced through §1983 "is a different inquiry than that involved in determining whether a private right of action can be implied from a particular statute." *Wilder, supra*, at 508, n. 9. But the inquiries overlap in one meaningful respect—in either case we must first deter-

mine whether Congress *intended to create a federal right*. Thus we have held that "[t]he question whether Congress . . . intended to create a private right of action [is] definitively answered in the negative" where "a statute by its terms grants no private rights to any identifiable class." *Touche Ross & Co.* v. *Redington,* 442 U. S. 560, 576 (1979). For a statute to create such private rights, its text must be "phrased in terms of the persons benefited." *Cannon* v. *University of Chicago,* 441 U. S. 677, 692, n. 13 (1979). We have recognized, for example, that Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 create individual rights because those statutes are phrased "with an *unmistakable focus* on the benefited class." *Id.,* at 691 (emphasis added).[3] But even where a statute is phrased in such explicit rights-creating terms, a plaintiff suing under an implied right of action still must show that the statute manifests an intent "to create not just a private *right* but also a private *remedy*." *Alexander* v. *Sandoval,* 532 U. S. 275, 286 (2001) (emphases added).

Plaintiffs suing under §1983 do not have the burden of showing an intent to create a private remedy because §1983 generally supplies a remedy for the vindication of rights secured by federal statutes. See *supra,* at 4–7.

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[3] Title VI provides: "*No person* in the United States *shall* . . . be subjected to discrimination under any program or activity receiving Federal financial assistance" on the basis of race, color, or national origin. 78 Stat. 252, 42 U. S. C. §2000d (1994 ed.) (emphasis added). Title IX provides: "*No person* in the United States *shall,* on the basis of sex . . . be subjected to discrimination under any education program or activity receiving Federal financial assistance." 86 Stat. 373, 20 U. S. C. §1681(a) (emphasis added). Where a statute does not include this sort of explicit "right- or duty-creating language" we rarely impute to Congress an intent to create a private right of action. See *Cannon*, 441 U. S., at 690, n. 13 (listing provisions); *Alexander* v. *Sandoval,* 532 U. S. 275, 288 (2001) (existence or absence of rights-creating language is critical to the Court's inquiry).

Once a plaintiff demonstrates that a statute confers an individual right, the right is presumptively enforceable by §1983.[4] But the initial inquiry—determining whether a statute confers any right at all—is no different from the initial inquiry in an implied right of action case, the express purpose of which is to determine whether or not a statute "confer[s] rights on a particular class of persons." *California* v. *Sierra Club,* 451 U. S. 287, 294 (1981). This makes obvious sense, since §1983 merely provides a mechanism for enforcing individual rights "secured" elsewhere, *i.e.*, rights independently "secured by the Constitution and laws" of the United States. "[O]ne cannot go into court and claim a 'violation of §1983'—for §1983 by itself does not protect anyone against anything." *Chapman* v. *Houston Welfare Rights Organization,* 441 U. S. 600, 617 (1979).

A court's role in discerning whether personal rights exist in the §1983 context should therefore not differ from its role in discerning whether personal rights exist in the implied right of action context. Compare *Golden State Transit Corp.* v. *Los Angeles,* 493 U. S. 103, 107–108, n. 4 (1989) ("[A] claim based on a statutory violation is enforceable under §1983 only when the statute creates

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[4]The State may rebut this presumption by showing that Congress "specifically foreclosed a remedy under §1983." *Smith* v. *Robinson,* 468 U. S. 992, 1004–1005, n. 9 (1984). The State's burden is to demonstrate that Congress shut the door to private enforcement either expressly, through "specific evidence from the statute itself," *Wright* v. *Roanoke Redevelopment and Housing Authority,* 479 U. S. 418, 423 (1987), or "impliedly, by creating a comprehensive enforcement scheme that is incompatible with individual enforcement under §1983," *Blessing* v. *Freestone,* 520 U. S. 329, 341 (1997). See also *Middlesex County Sewerage Authority* v. *National Sea Clammers Assn.,* 453 U. S. 1, 20 (1981). These questions do not arise in this case due to our conclusion that FERPA confers no individual rights and thus cannot give rise to a presumption of enforceability under §1983. See *infra*, at 14, and n. 6.

'rights, privileges, or immunities' in the particular plaintiff"), with *Cannon*, *supra*, at 690, n. 13 (statute is enforceable under implied right only where Congress "explicitly conferred a right directly on a class of persons that included the plaintiff in the case"). Both inquiries simply require a determination as to whether or not Congress intended to confer individual rights upon a class of beneficiaries. Compare *Wright*, 479 U. S., at 423 (statute must be "intended to rise to the level of an enforceable right"), with *Alexander* v. *Sandoval, supra,* at 289 (statute must evince "congressional intent to create new rights"); and *California* v. *Sierra Club, supra,* at 294 ("The question is not simply who would benefit from the Act, but whether Congress intended to confer federal rights upon those beneficiaries" (citing *Cannon, supra*, at 690–693, n. 13)). Accordingly, where the text and structure of a statute provide no indication that Congress intends to create new individual rights, there is no basis for a private suit, whether under §1983 or under an implied right of action.

JUSTICE STEVENS disagrees with this conclusion principally because separation-of-powers concerns are, in his view, more pronounced in the implied right of action context as opposed to the §1983 context. *Post,* at 9–10 (dissenting opinion) (citing *Wilder,* 496 U. S., at 509, n. 9). But we fail to see how relations between the branches are served by having courts apply a multi-factor balancing test to pick and choose which federal requirements may be enforced by §1983 and which may not. Nor are separation-of-powers concerns within the Federal Government the only guideposts in this sort of analysis. See *Will* v. *Michigan Dept. of State Police,* 491 U. S. 58, 65 (1989) ("[I]f Congress intends to alter the 'usual constitutional balance between the States and the Federal Government,' it must make its intention to do so 'unmistakably clear in the language of the statute'" (quoting *Atascadero State Hospital* v. *Scanlon,* 473 U. S. 234, 242 (1985); citing *Pennhurst State School and Hospital*

v. *Halderman,* 465 U. S. 89, 99 (1984))).[5]

With this principle in mind, there is no question that FERPA's nondisclosure provisions fail to confer enforceable rights. To begin with, the provisions entirely lack the sort of "rights-creating" language critical to showing the requisite congressional intent to create new rights. *Alexander* v. *Sandoval, supra*, at 288–289; *Cannon*, *supra*, at 690, n. 13. Unlike the individually focused terminology of Titles VI and IX ("no person shall be subjected to discrimination"), FERPA's provisions speak only to the Secretary of Education, directing that "[n]o funds shall be made available" to any "educational agency or institution" which has a prohibited "policy or practice." 20 U. S. C. §1232g(b)(1). This focus is two steps removed from the interests of individual students and parents and clearly does not confer the sort of "*individual* entitlement" that is enforceable under §1983. *Blessing*, 520 U. S., at 343 (emphasis in original). As we said in *Cannon:*

> "There would be far less reason to infer a private remedy in favor of individual persons if Congress, instead of drafting Title IX with an unmistakable focus on the benefited class, had written it simply as a ban on discriminatory conduct by recipients of federal funds or

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[5] This case illustrates the point well. JUSTICE STEVENS would conclude that Congress intended FERPA's nondisclosure provisions to confer individual rights on millions of school students from kindergarten through graduate school without having ever said so explicitly. This conclusion entails a judicial assumption, with no basis in statutory text, that Congress intended to set itself resolutely against a tradition of deference to state and local school officials, *e.g.*, *Falvo,* 534 U. S., at 435 (rejecting proposed interpretation of FERPA because "[w]e doubt Congress meant to intervene in this drastic fashion with traditional state functions"); *Regents of Univ. of Mich.* v. *Ewing,* 474 U. S. 214, 226 (1985) (noting tradition of "reluctance to trench on the prerogatives of state and local educational institutions"), by subjecting them to private suits for money damages whenever they fail to comply with a federal funding condition.

> as a prohibition against the disbursement of public funds to educational institutions engaged in discriminatory practices." 441 U. S., at 690–693.

See also *Alexander* v. *Sandoval,* 532 U. S., at 289 ("Statutes that focus on the person regulated rather than the individuals protected create 'no implication of an intent to confer rights on a particular class of persons'" (quoting *California* v. *Sierra Club, supra,* at 294)).

FERPA's nondisclosure provisions further speak only in terms of institutional policy and practice, not individual instances of disclosure. See §§1232g(b)(1)–(2) (prohibiting the funding of "any educational agency or institution which has a *policy or practice* of permitting the release of education records" (emphasis added)). Therefore, as in *Blessing*, they have an "aggregate" focus, 520 U. S., at 343, they are not concerned with "whether the needs of any particular person have been satisfied," *ibid.*, and they cannot "give rise to individual rights," *id.*, at 344. Recipient institutions can further avoid termination of funding so long as they "comply substantially" with the Act's requirements. §1234c(a). This, too, is not unlike *Blessing*, which found that Title IV–D failed to support a §1983 suit in part because it only required "substantial compliance" with federal regulations. 520 U. S., at 335, 343. Respondent directs our attention to subsection (b)(2), but the text and structure of subsections (b)(1) and (b)(2) are essentially the same.[6] In each provision the reference to indi-

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[6] Subsection (b)(2) provides in relevant part:

"No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information . . . unless—

"(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and

vidual consent is in the context of describing the type of "policy or practice" that triggers a funding prohibition. For reasons expressed repeatedly in our prior cases, however, such provisions cannot make out the requisite congressional intent to confer individual rights enforceable by §1983.[7]

Our conclusion that FERPA's nondisclosure provisions fail to confer enforceable rights is buttressed by the mechanism that Congress chose to provide for enforcing those provisions. Congress expressly authorized the Secretary of Education to "*deal with violations*" of the Act, §1232g(f) (emphasis added), and required the Secretary to "establish or designate [a] review board" for investigating and adjudicating such violations, §1232g(g). Pursuant to these provisions, the Secretary created the Family Policy

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the student if desired by the parents." 20 U. S. C. §1232g(b)(2)(A).

Respondent invokes this provision to assert the very awkward "individualized right to withhold consent and prevent the unauthorized release of personally identifiable information in education records by an educational institution that has a policy or practice of releasing, or providing access to, such information." Brief for Respondent 14. That is a far cry from the sort of individualized, concrete monetary entitlement found enforceable in *Maine* v. *Thiboutot,* 448 U. S. 1 (1980), *Wright,* and *Wilder* v. *Virginia Hospital Assn.,* 496 U. S. 498 (1990). See *supra,* at 4–5.

[7] JUSTICE STEVENS would have us look to other provisions in FERPA that use the term "rights" to define the obligations of educational institutions that receive federal funds. See *post,* at 2, 4–5. He then suggests that any reference to "rights," even as a shorthand means of describing standards and procedures imposed on funding recipients, should give rise to a statute's enforceability under §1983. *Ibid*. This argument was rejected in *Pennhurst State School and Hospital* v. *Halderman*, 451 U. S. 1, 18–20 (1981) (no presumption of enforceability merely because a statute "speaks in terms of 'rights'"), and it is particularly misplaced here since Congress enacted FERPA years before *Thiboutot* declared that statutes can ever give rise to rights enforceable by §1983.

Compliance Office (FPCO) "to act as the Review Board required under the Act and to enforce the Act with respect to all applicable programs." 34 CFR §§99.60(a) and (b) (2001). The FPCO permits students and parents who suspect a violation of the Act to file individual written complaints. §99.63. If a complaint is timely and contains required information, the FPCO will initiate an investigation, §§99.64(a)–(b), notify the educational institution of the charge, §99.65(a), and request a written response, §99.65. If a violation is found, the FPCO distributes a notice of factual findings and a "statement of the specific steps that the agency or institution must take to comply" with FERPA. §§99.66(b) and (c)(1). These administrative procedures squarely distinguish this case from *Wright* and *Wilder*, where an aggrieved individual lacked any federal review mechanism, see *supra*, at 5, and further counsel against our finding a congressional intent to create individually enforceable private rights.[8]

Congress finally provided that "[e]xcept for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices" of the Department of Education. 20 U. S. C. §1232g(g). This centralized review provision was added just four months after FERPA's enactment due to "concern that regionalizing the enforcement of [FERPA] may lead to multiple interpretations of it, and possibly work a hardship on parents, students, and institutions." 120 Cong. Rec. 39863 (1974) (joint statement). Cf. *Wright,* 479 U. S., at 426 ("Congress' aim was to provide a *decentralized* . . . administrative process" (emphasis added; internal quotation marks omitted)). It is implausible to presume that

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[8]We need not determine whether FERPA's procedures are "sufficiently comprehensive" to offer an independent basis for precluding private enforcement, *Middlesex County Sewerage Authority,* 453 U. S., at 20, due to our finding that FERPA creates no private right to enforce.

the same Congress nonetheless intended private suits to be brought before thousands of federal- and state-court judges, which could only result in the sort of "multiple interpretations" the Act explicitly sought to avoid.

In sum, if Congress wishes to create new rights enforceable under §1983, it must do so in clear and unambiguous terms—no less and no more than what is required for Congress to create new rights enforceable under an implied private right of action. FERPA's nondisclosure provisions contain no rights-creating language, they have an aggregate, not individual, focus, and they serve primarily to direct the Secretary of Education's distribution of public funds to educational institutions. They therefore create no rights enforceable under §1983. Accordingly, the judgment of the Supreme Court of Washington is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.