

FERPA Training

Federal Educational Rights and Privacy Act

What is FERPA?

- Known also as the **Law of Student Records** and as the **Buckley Amendment**
- Acronym: **Federal Educational Rights & Privacy Act**



FERPA law applies to schools and colleges that receive federal financial assistance – which means that just about every public school in the U.S. must follow FERPA guidelines.

Main Goals of FERPA:

- Provide **parental access** to student educational records.

Parental
Access



- **Protect the privacy** of student educational records

Protect
Privacy



Rights to Records

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."



Who is a Parent?

- Under FERPA, *parent* means 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 of guardian.
 - Some students have more parents than two
 - Could be a Grandparent
 - If both parents are divorced, both parents are allowed to view student records unless the divorce decree specifically limits this



Student Records – Inspection

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school.
- Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records.
- Schools may charge a fee for copies.



Student Records



What is a record?

- Records are information directly related to a student including student grades, medical information, or any **‘personally identifiable information’** that is not considered *directory* information.

Student Directory Information can typically be disclosed unless the parent or 18 year old student has filed official notice with the school that he/she does not want their directory information shared.

Personally Identifiable Information

What is Personally Identifiable Information (PII)?

- refers to information that can be used to **distinguish or trace an individual's identity**, either alone or when combined with other personal or identifying information.
- Examples include: physical characteristics, disabilities, photographs, ethnicity, etc.
- Employees working in an educational environment must not share or disclose PII
- Follow the 'minimum necessary' rule

Student Records (continued)

- Examples:
 - Transcripts
 - Spoken word (talking)
 - Emails
 - Documents
 - Handwritten
 - Magnetic Tape
 - Film
 - Diskette
 - Other medium



Student Records – Correction Policy



Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Disclosure

- What is Disclosure?
 - To permit access to, transfer or communication of personally identifiable information to any party by any means including oral, written, or electronic.



Disclosing/Releasing Student Records

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

What CAN be disclosed:

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.



Scenario #1

- The school principal is planning an update to the school's STEM program in the fall and asks to view the grades of students in the class.

The principal is an authorized agent of the school and is working on an education related initiative on behalf of the school. He/she would be allowed access to the grade book.

Scenario #2

- You overhear another teacher saying to a small gathering of students , “I don’t like that student in the previous class. I don’t care that he’s disabled. He is mean and disruptive to the entire class and I’m glad he failed the math exam”

Not only is this unprofessional, it also violates FERPA law by sharing the detail that the particular student referred to is disabled and failed the exam. This is providing *personally identifiable information* about a student that can be used to distinguish or trace an individual’s identity.

Resources

- US Dept of Education:
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- FERPA Training Video
<http://www.lifeschools.net/apps/video/watch.jsp?v=45607>