

FERPA & CONFIDENTIALITY GUIDELINES



The Family Educational Rights and Privacy Act
(Federal Law 20 U.S.C. Section 1232g and 34 C.F.R. Part 99)
(BOE Policies: 8330 & 8350)

“The purpose of this law is to assure parents of access to their students’ **education records** and to protect such individuals’ rights to privacy by limiting the availability of students’ records without parental consent.”

Education Records: records, files, documents, and other materials which...contain information directly related to a student; and are maintained by an educational agency or institution including the counselor, the classroom teacher, the principal, and in the student’s official student file.

Personally Identifiable information (PII): includes but is not limited to: the student’s name, names of family members, address, student number, biometric information, date or place of birth, mother’s maiden name.

Parents’ rights (including non-custodial parents, unless school is presented with a court order that denies their access to the student’s files):

1. Parents can inspect and review their student’s education records (school must maintain record of each request). This includes any and all records kept on students (CA60, counselor notes, interview notes, record books, discipline forms, data review notes, etc.)
2. Parents can identify information that is believed to be inaccurate or misleading and the school must decide within reasonable time whether to amend as requested. If the school decides not to amend, parents have the right to insert a statement into student record.
3. Parents can require the school to obtain written consent prior to the disclosure of **personally identifiable information** (with a few exceptions).
4. Parents can file a complaint with the U.S. Department of Education.

Employee (Teachers, Support staff, all others) Responsibilities:

- Maintain the confidentiality of all student records and personal information. The only exception to this is sharing information with another employee who has a **legitimate educational interest** in knowing that information. Be very careful to NOT
 - Leave papers on printers, files in open, public-type folders, and computers left open to information (including email, PowerSchool attendance or gradebook, NWEA, Data Director, etc...), that can be read by others, can all be an issue.
 - share student personal information, parents’ names, phone numbers or addresses with other parents (not as an official formal directory request) is also a FERPA issue.
 - email confidential data or directory information (to anyone outside of the district server network including: parents or parent groups, other districts, organizations who work in partnership with the district, elected officials, election committees, etc...). IF you must email information be absolutely sure it is sent to the correct person.
- Do NOT post or verbally share students’ personally identifiable information, test or assignment scores, or any other confidential information about students publically.



- FERPA guides all use of student information including staff members who may want to use student information to write graduate papers or conduct research that will be presented outside the district. If you wish to use student information or data for a study please fill out the appropriate form and submit to Pam Jones in Educational Services for approval.
- Refer parties requesting FOIA's to Shirley Allen in Human Resources.
- Refer FERPA (Directory) requests to Lori Durkee in Educational Services.
- Videotapes – If a videotape shows a disciplinary incident involving two or more students the videotape is an educational record of all involved students. To fulfill FERPA's disclosure requirement, the district must show or describe the videotape to the parents of any student who appears on the videotape. At the same time, to fulfill the FERPA privacy requirement, the school district may not permit any parent to take away an actual copy of the videotape.



REMEMBER! Student data can often be found on paper form or electronic form where confidentiality can easily be broken.

IF you are unsure – ASK before disclosing information

For Administrators and Clerical Staff:

Prior consent is not required to disclose student information...

- If the information is **directory information**—student's name, address and telephone number, date and place of birth, major field of study, official activities, dates of attendance, height and weight for sports, degrees and honors, or photo(s) – However there are stipulations:
 - The school must give parents notice of the school's definition of directory information and give parents an opportunity to opt out of the release of directory information
 - Directory information can only be given out to official directory requests that are processed through central office
- To school officials with legitimate educational interest
- To other schools to which a student is transferring
- To state and local educational authorities under certain conditions (audit or evaluation purposes)
- In the event of health or safety emergencies
- In response to subpoenas/judicial orders
- To representatives of the juvenile justice system, pursuant to state statute

Directory Information:

- **Outside Requests** for student data or directory information must receive approval from Educational Services, by filling out the **authorization form, found on SharePoint**. This includes anyone outside of the district server network including:
 - Parents or parent groups
 - Other districts



- Organizations who work in partnership with the district, including vendors such as Lifetouch, Jostens, etc...
- Elected officials
- Election committees

Parent Rights: The right to review records transfers from the parent to the student once the student turns eighteen or once they attend a postsecondary institution. As long as students are legally dependent for tax purposes, parents retain access rights to records.

Non-Custodial Parents' Rights: Non-custodial parents have the right to review their students' records unless the school is presented with a court order that precludes the noncustodial parents from accessing the records.

Parents may notify the school of their **refusal** to allow the district to disclose directory information. This refusal needs to be kept in the students file and on PowerSchool and must be adhered to.



REMEMBER! Student data & directory information can often be found on paper form or electronic form where confidentiality can easily be broken. Student data and directory information are found in a variety of places including: email, PowerSchool attendance or gradebook, NWEA, Data Director, etc...

My signature below confirms that I have read, understand and agree to follow these FERPA guidelines.

Signature

Date

References

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- Family Policy and Compliance Office. (2014, June 2). Family educational rights and privacy act (FERPA). In *US Department of Education*. Retrieved July 20, 2014, from <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
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- Mills, C. (2008). Confidentiality PPT. *Jacksboro ISD*. Retrieved July 31, 2014, from www.jacksboroisd.net
- What should teachers know about FERPA regulations? (2014). *Professional Learning Board*. Retrieved July 20, 2014, from <http://k12teacherstaffdevelopment.com/tlb/what-should-teachers-know-about-ferpa-regulations/>