

THE TEACHER'S GUIDE TO UNDERSTANDING FERPA:

*The Family Educational Rights
and Privacy Act*

**Created for K-12
Classroom Staff**

OVERVIEW

- I. What is FERPA?
- II. What rights does FERPA provide?
- III. What information does FERPA protect?
- IV. How does FERPA affect my classroom?
- V. FERPA Scenarios → Assessment

WHAT IS FERPA?

THE BASICS

In this section...

- What* is FERPA?
- Who* is granted rights under FERPA?
- Who* enforces FERPA?
- Is *my school* subject to FERPA?

WHAT IS “FERPA?”

FERPA = **FAMILY**
E **EDUCATIONAL**
R **RIGHTS &**
P **PRIVACY**
A **ACT**

THE BASICS

What is FERPA?

- FERPA is a federal law that protects the confidentiality of student education records.
- FERPA is a *federal law*, found in Title 20 of the United States Code. The federal regulations are found in Title 34 of the Code of Federal Regulations.
- Both the text of the law and its regulations are helpful to understand how to comply!

THE BASICS

Who is granted rights under FERPA?

- Parents are granted rights, on behalf of their children.
- Rights transfer to students when they turn 18 years old OR attend a postsecondary institution (“eligible students”), but...
- Parents who claim children as dependents on their taxes retain their rights.

THE BASICS

Who enforces FERPA?

- FERPA is administered by the Family Policy Compliance Office (**FPCO**) in the Department of Education.
- If a parent or eligible student files a FERPA complaint against your school, the FPCO may investigate your school's procedures to determine what action should be taken.

THE BASICS

Is my school subject to FERPA?

- FERPA applies to **all schools** that receive federal funding for *any program* administered by the Dept. of Education.



If your school is a public school or receives federal funding for programs, FERPA applies!

WHAT RIGHTS DOES FERPA PROVIDE?

A GUIDE TO FERPA'S
ESSENTIAL REQUIREMENTS

In this section...

- Rights granted under FERPA
- Your school's obligations to ensure these rights

WHAT RIGHTS DOES FERPA PROVIDE?

FERPA gives parents (and eligible students) the right to:

1. **Prevent the disclosure** of *personally identifiable information* from their education records without consent;
2. **Access** to review and inspect student education records; and
3. **Request correction** of these education records.

WHAT INFORMATION DOES **FERPA** PROTECT?

HOW TO DETERMINE WHAT'S
COVERED UNDER FERPA

In this section...

- What are “education records?”
- What is “directory information?”
- What should you know about *disclosing* student information?

WHAT INFORMATION DOES FERPA PROTECT?

FERPA prevents disclosure of information from a student's "**education record,**" but *doesn't* prevent disclosure of "**directory information.**"



In the following slides, you'll learn the difference between **education records** and **directory information**.

EDUCATION RECORDS are...

Records *directly related to a student* that are

- **maintained by the school, or**
- maintained by a **third-party vendor**, on behalf of the school.

FERPA *prohibits* release of education records without consent of parents or the eligible student.

EXAMPLES OF EDUCATION RECORD INFORMATION:

- **Student grades**
- Immunization & health records maintained by the school
- Disciplinary records
- Student progress reports
- Academic or physical testing results
- Grade point average
- Attendance records



You **MUST** keep information in a student's **education record** confidential and secure.

WHAT IS NOT PART OF AN “EDUCATION RECORD”

- Private records a teacher makes during the course of teaching, meant for the teacher’s private use as a memory aid
- Law enforcement or campus security records created and maintained **solely** for *law enforcement reasons*.
- Employment records (unless employment is contingent upon enrollment and attendance)
- Alumni records
- Grades on peer-graded papers before they’re recorded

“EDUCATION RECORDS”

KNOWLEDGE CHECK: Education Record? *Yes or No*

- | | |
|---|--------------|
| <input type="checkbox"/> Log of student's disciplinary history | ✓ Yes |
| <input type="checkbox"/> Student's health records created by school nurse | ✓ Yes |
| <input type="checkbox"/> Teacher's written notes for own use | ✓ No |
| <input type="checkbox"/> Records kept by campus security re: vandalism incident | ✓ No |
| <input type="checkbox"/> Teacher's gradebook | ✓ Yes |
| <input type="checkbox"/> Student transcript | ✓ Yes |

Confused? Talk to your colleagues, supervisors, and administrators. Always ASK if you're unsure before disclosing information!

WHAT INFORMATION IS PROTECTED UNDER FERPA?

Scenario

As you're walking back to your classroom from lunch, you notice a couple of students fighting in the hall. Your knowledge of the events comes only from this direct observation.

Does FERPA govern disclosure of what he or she saw?

WHAT INFORMATION IS PROTECTED UNDER FERPA?

ANSWER

No, FERPA does **not** prohibit a school official (here, the teacher) from disclosing information he or she witnessed. Direct observations aren't part of a student's education record.

- A school official **may** disclose what he or she saw or overheard to appropriate authorities, including administrators, other school officials, parents, or law enforcement.

PERSONALLY IDENTIFIABLE INFORMATION



Information that, alone or in combination, would generally allow a person in the school community to **identify a student with reasonable certainty.**

FERPA prohibits the release of “*personally identifiable information*” contained in a student’s education record, unless it is *directory information*...

DIRECTORY INFORMATION is...

Personally identifiable information that is not generally considered *harmful* if disclosed (i.e. basic information).

- FERPA allows schools to disclose this information **without consent**, as long as they provide **public notice** to families that explains *what types of information* the school has designated as “directory information.”

COMMON EXAMPLES OF “DIRECTORY INFORMATION”

- student’s name
- address
- telephone number
- date of birth
- major field of study
- participation in officially recognized activities/sports
- weight & height of athletic team members
- dates of attendance
- degrees/awards received
- most recent previous educational institution attended by student
- e-mail address
- place of birth
- photograph
- grade level
- enrollment status

A RECAP: WHAT INFORMATION DOES FERPA PROTECT?

EDUCATION RECORDS

Information **directly related** to a student and that is maintained by the school, or a party acting on the school's behalf.

MAY
be disclosed
without consent



But, there are some special circumstances that allow disclosure of education records without consent...

DIRECTORY INFORMATION

- Information about a student, **defined by the school** through notice to parents and eligible students.
- Information that would not generally be considered harmful if an invasion of privacy occurred.

MAY NOT
be disclosed
without consent.

DISCLOSURES

REMEMBER

Assume all information directly related to a student is part of that student's **education record** and therefore cannot be disclosed without **written consent**, but, FERPA allows a few specific exceptions...

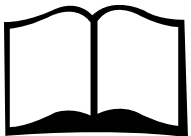
SPECIAL CIRCUMSTANCES for DISCLOSURE OF EDUCATION RECORDS

To other school officials with “legitimate educational interest”

- Ex.: other educators, academic coaches, or tutors

To appropriate officials in health/safety emergencies

- Use your judgment — your students’ safety is the priority, and FERPA allows for necessary disclosures in times of emergencies.
- Ex.: sharing student allergies with paramedics if a student is in shock.



Talk to your administrator!

FERPA permits a few other disclosures, however, it is unlikely you will encounter these in a classroom. If you are asked to share protected information that seems reasonable to disclose, ask for advice first.

HOW DOES FERPA IMPACT MY CLASSROOM?

TOOLS FOR TEACHERS

HOW DOES FERPA IMPACT MY CLASSROOM?

1. Be careful with the technology you use in your lessons.

- Don't use websites that require your students to enter personal information unless it has been approved by a supervisor or your school's technology officer.
- Find out what companies or vendors your school is either working with or feels comfortable working with.
- Continue to evaluate the technology you and your students utilize.

HOW DOES FERPA IMPACT MY CLASSROOM?

2. Keep any student data you have secure.

- Store your students' data and information using your schools' data management systems.
- Don't email information to unverified parent email addresses – be sure you're not accidentally disclosing student information to the wrong people.
- Keep any physical graded materials or grade books in secure, safe places.
- Don't discuss student information with others, unless that person has a "legitimate educational goal."

HOW DOES FERPA IMPACT MY CLASSROOM?

3. Responding to access requests:

- You may communicate education record information with students' parents.
- Be sure you know your students' legal guardians: under FERPA, "parent" includes "a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian."
- If you ever receive a request to inspect or review education records you do not have access to, tell your administrator.

FERPA SCENARIOS

TEST YOUR KNOWLEDGE

The following slides contain different scenarios that will test your knowledge of FERPA's requirements. Discussing these scenarios and learning from the answers may help to clarify any questions you still have regarding FERPA.

SCENARIO 1

You leave your room for a few minutes during your planning time. Before you left you were working with personal student information but you did not lock your computer. While you were gone, an unauthorized person came by your room and retrieved some student information from the computer screen.

Under FERPA, is your school responsible?

SCENARIO 1 – ANSWER

Information on a computer screen should be protected the same way as printed reports. Computer programs with confidential information should be closed when you are not using them, and computers should be locked when you leave the room. Printed materials should be filed in a secure place, and not simply left out on a desk.

The medium that holds the information is not important under FERPA laws – NO information should be left accessible or unattended, including computer screens.

SCENARIO 2

Skipping class has become a problem at your school. Your principal and local police have been looking for students who are not in school during the day. You receive a phone call from the local police asking if a particular student was in attendance in your class yesterday. They tell you that they are investigating whether the students were involved in some vandalism and need to know their whereabouts.

Can you give them the information?

SCENARIO 2 – ANSWER

You cannot give the attendance information to the police department. Attendance records are considered part of the students' educational record and cannot be released without consent of the parents or eligible student.

Unless the police have obtained legal authority to compel you to disclose the information, it would be a violation of FERPA to share part of the student's education record.

...If, however, the information was related to a health or safety emergency, or attendance records are designated by your school as directory information, then the information could be disclosed without consent!

SCENARIO 3

During class, you receive a message that the father of one of your students has called for you. You call him back after school and he tells you he is just curious how his 11 year old daughter is doing in class. He would like to check that her attendance and grades are still strong.

Can you give them this information over the phone?

SCENARIO 3 – ANSWER

Your school should have a way to attempt to verify that the person you're calling is, in fact, the parent. Once verified (maybe you have saved the parent's phone number, for example), then **yes**, you can discuss this information with them.

SCENARIO 4

A parent comes into your room one day after school. Her daughter's birthday is next week and she would like to have a list of students' names in the class and their addresses to send out invitations to the birthday party. You have known this parent for years and trust her.

Can you provide her with the names and addresses of the students in the class?

SCENARIO 4 – ANSWER

Each school district is required to identify the categories of information that they consider to be directory information. As long as the school has given parents and eligible students annual notice, the information the mother seeks may be categorized as directory information and would be acceptable to disclose.

If, however, your school has not designated this information as directory information, you may not disclose it.

APPENDIX

HELPFUL MATERIALS AND LINKS

GLOSSARY

Directory Information: information designated by a school that is more basic and is not harmful if disclosed.

Education Records: records maintained by the school that are directly related to a student

Eligible Student: A student who is either 18 years of age or older, or is attending a post-secondary institution.

FERPA: Family Educational Rights & Privacy Act, federal law that governs confidentiality of student educational records.

FPCO: Family Policy Compliance Office, enforces FERPA.

Personally Identifiable Information: contains information that would make the student's identity and any related information about him or her easily recognized.

LINKS TO HELPFUL BACKGROUND INFORMATION

FERPA STATUTE AND REGULATIONS

[Full Text of FERPA - Cornell Law Website](#)

[FERPA Federal Regulations - Cornell Law Website](#)

OTHER MATERIALS

- [FPCO Website for Parents](#)
- [FPCO PDF for Parents – February 2011](#)
- [FPCO Guidance for Parents – October 2007](#)
- [National Center for Education Statistics - Resources for FERPA Access](#)
- [PTAC Disclosure Exceptions Rubric](#)

BIBLIOGRAPHY

This presentation was created using materials from the following institutions:

- The Family Policy Compliance Office ([FPCO](#))
- Data for Student Success ([Data4SS.org](#))
- [Skyline High School](#), Ann Arbor, MI
- [Cornell University](#) Law School
- National Center for Education Statistics ([NCES](#))