

Student Data



Privacy Technical
Assistance Center



South Dakota District FERPA Training #3

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Session Objectives

- Discuss FERPA required “Annual Notification”
- Demo FERPA for Parents Video
- Discuss photos/videos (education records)
- Transparency Best Practices
- Dual Enrollment
- Federal Data Collection Considerations



Annual Notification Requirements under FERPA

Schools must annually notify parents of students and eligible students in attendance of their rights under FERPA, including:

- right to inspect and review education records;
- right to request amendment of education records;
- right to consent to disclosures, with certain exceptions; and
- right to file a complaint with U.S. Department of Education.



Annual Notification



The annual notification must also include the following:

- procedure to inspect and review education records; and
- a statement that education records may be disclosed to school officials without prior written consent, including:
 - specification of criteria for determining who are school officials; and
 - what constitutes a legitimate educational interest.



Rights of Parents

What are the rights of parents, custodial or noncustodial?

- FERPA affords full rights to either parent, unless the school has been provided with evidence that there is a court order, State statute or legally binding document that specifically revokes these rights.



Power of Attorney

- Student retains the rights to the education record under FERPA, however the school is authorized to provide student records to an individual who has power of attorney for the student, because POA is considered consent of the student.



Inspection and Review of Education Record

What rights exist for an eligible student to inspect and review education records?



- School must comply with request within 45 days.
- Schools are generally required to give copies only if failure to do so would effectively deny access, or make other arrangements to inspect and review – example would be a parent or student who does not live within commuting distance.
- School may not destroy records if request for access is pending.



Inspection and Review (cont.)

May an educational agency or institution charge a fee for copies of education records?

- Yes – unless imposing a fee effectively prevents a parent or eligible student from exercising his or her right to inspect and review education records.

What limitations exist on the right to inspect and review education records?

- If the records contain information on more than one student, the requesting parent or eligible student may inspect, review, or be informed of only the specific information about his or her child's records.



What are the Procedures for Amending Education Records?

- Parent or eligible student should identify portion of record believed to contain inaccurate or misleading information.
- School must decide within reasonable period of time whether to amend as requested.
- If school decides not to amend, must inform parent or eligible student of right to a hearing.
- After a hearing, if decision is still not to amend, parent or eligible student has a right to insert a statement in the record.



Question: Are grade amendments required by FERPA?

A: No. A school is not required by FERPA to afford a student or parent the right to seek to change substantive decisions made by school officials, such as grades or other evaluations of a student.

FERPA was intended to require only that educational agencies and institutions conform to fair recordkeeping practices. It was not intended to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations.



FERPA for Parents Video

<http://www.youtube.com/watch?v=nhIDkS8hv>
MU



Speaking of videos....

- Education Record?
 - Maintained by school?
- Directory Information?



Dual Enrolled Students

- True or False?
 - FERPA prohibits the sharing of information between the two institutions a dually enrolled students attend.
- ***False: FERPA not only permits the sharing of information between the institutions, but also allows postsecondary institutions to share information to PARENTS of high school students who are dependents for Federal income tax purposes.***



Dual Enrolled Students

- True or False?
 - FERPA requires consent of the parent or student to share/disclose the information as previously mentioned.
- ***False: Two schools may share education records without the consent of either the parents or the student under § 99.34. AND: If the student is under 18, the parents still retain the right under FERPA to inspect and review ANY education records maintained by the high school INCLUDING records that the college or university disclosed to the high school.***



FERPA, Privacy and Data Security

- Unlike HIPAA and other similar federal regulations, FERPA does not require specific security controls
- This provides room for innovation, but also heaps more responsibility on the community to protect the privacy and security of student data
- As educators we have student data in many places, including our own machine / mobile devices
- It's up to us to ensure that we take the necessary security measures to protect student data



Directory Information: Opting out

- Is opting out of Directory Information an all or nothing?
- If a parent opts out of directory information for their kids, do districts have to keep that information from being forwarded to the state?



More about federal data collection...

- Scope
- SLDS → State effort federally funded
- Aggregate



Why Transparency?

- Rise in public discourse on data and student privacy
- Rise in misinformation and confusion about the issues
- State-level legislative action to restrict data collection, use, and sharing

Privacy vs. Utility Tradeoff

What's in it for the parents and students?



Fair Information Practice Principles (FIPPs)

- Collection Limitation
- Data Quality
- Purpose Specification
- Use Limitation
- Security Safeguards
- Openness
- Individual Participation
- Accountability



Transparency Best Practices

- Let parents know what information you're collecting, and why you're collecting it
- Keep (and publish) a data inventory
- Inform parents about your data governance and information security practices
- Be open about who you share data with, and why. (Post your data sharing contracts and MOUs)
- Value! Value! Value! (Explain what's in it for the parents/children)



Remember:

- In the absence of information, people tend to assume the worst
- Just because something is legal, doesn't mean it's a good idea!
- Be open about what you're doing
- Highlight your successes



Where do we start

- Get leadership engaged
- Set policy that defines expectations, metrics and roles & responsibilities
- Know what critical information you need to protect
- Identify gaps and deploy mitigating controls to reduce the risk of privacy breaches



Consent Forms

Requirements for consent forms:

- (1) Specify the records that may be disclosed
- (2) State the purpose of the disclosure; and
- (3) Identify the party or class of parties to whom the disclosure may be made.



Perkins Example

Appendix A: Sample FERPA Consent Form

The following consent forms are examples that you should adapt to reflect the specific circumstances in your State.

Carl D. Perkins Vocational and Technical Education Act

I, a student at a postsecondary educational institution or a student age 18 years or older, _____, consent to the release of personally identifiable information from my education records or I, parent or guardian of a student at a secondary educational institution under the age of 18, _____ consent to the release of personally identifiable information from the education records of my son/daughter.

I understand that the records to be disclosed include my social security number and other personally identifiable information from my education records. I acknowledge that the purpose of the disclosure is to assist the _____ State Department of Education in obtaining and reporting information concerning the placement and retention of students in employment as required by section 113 of Carl D. Perkins Vocational and Technical Education Act. I understand that the personally identifiable information will be disclosed by the educational institution only to _____ Department of Labor / _____ Unemployment Insurance Agency. This information may not be redisclosed to others and will be destroyed as soon as all statistical analysis has been performed, or when the information is no longer needed, whichever date comes first.

Signature of Parent or Student

Date



Example #2

The Family Education Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student educational records. FERPA prohibits the release of your educational records, both financial and academic, to third parties without your written consent, subject to the exceptions specified under FERPA. A parent does not have the automatic right to view your student records without your expressed written consent, unless the parent can provide proof that you are still their dependent under Internal Revenue Tax Code. You may waive FERPA and allow access to your educational records, including academic records, account/billing information, and/or financial aid records, to be designated third parties (e.g. parents, guardian, spouse, etc.) of your choosing by submitting this FERPA Consent Form to the Financial Aid Office. This privacy release will remain in effect for the duration of your enrollment at LaGrange College. If at a later date, you wish to change the names of the individuals to whom your educational records may be released, you may do so by visiting the Financial Aid Office.

Student's Name: _____

ID#: L _____

In the table below, please identify those persons you wish to have access to your educational records. In order to provide information over the telephone to the designee, we must be able to verify their identity. This can be achieved by designating an alphanumeric access code and a hint that will help the designee remember the access code if it is forgotten. Make sure to provide an access code and hint for each person. Indicate with an X to which types(s) of records they may access.

	Name	Relationship	Password Or PIN	Hint	Academic Records	Accounting (billings)	Financial Aid Records
Ex.	John Smith	Father	Maya	Cat's name	X	X	X
1.							
2.							
3.							
4.							

I understand the information may be released verbally or in the form of copies of written records, as preferred by the requester. I have a right to inspect any written records released pursuant to this Consent (except for parents' financial records and certain letters of recommendation for which the student waived inspection rights). I understand I may revoke this Consent at any time.

Student's Signature: _____

Date: _____

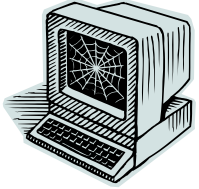


Good FERPA Website

<http://www.cde.state.co.us/cdereval/ferpa>



Questions?



Website: <http://ptac.ed.gov>



Email: privacyTA@ed.gov

