



FERPA 101 FOR EDUCATORS

The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law designed to protect the privacy of student education records. The law applies to all schools and educational institutions that receive funding under a program administered by the U.S. Department of Education.

This FERPA 101 is not legal advice. Instead, we hope to introduce basic issues of FERPA and student data privacy, and help educators consider ways to build parent confidence about education technology and protections for student data, including:

- Clearly communicating to parents (and students) how smart use of student data can improve schools and provide students with more individualized learning experiences;
- Understanding how apps, websites and other digital tools can make education records – and protecting those records – more complex; and
- Improving district and school practices and policies for adopting education technology and protecting student education records.

FERPA

Establishes a set of rules for how schools can use and disclose education records.

Requires schools to have written permission from the parent or eligible student in order to release any information from a student's education record, except to the following groups under certain conditions:

- 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.

Requires that schools provide an annual notice to parents and eligible students about their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

Provides parents and eligible students (over the age of 18) with the right to inspect, review and correct the student's education records maintained by the school.

Allows schools to disclose, without consent, “directory information” including:

- Student’s name, address, telephone number, date and place of birth, and dates of attendance.
- However, schools must tell parents and eligible students about directory information and allow them a reasonable amount of time to request that the school not disclose their directory information.

FERPA GLOSSARY OF TERMS

Personally Identifiable Information (PII): FERPA’s definition of PII includes a student’s name, or the name or nickname of a family member, their address, any personal identifiers that are directly tied to one individual (like social security numbers, photos, phone numbers, medical records), any identifiers that are indirectly associated with an individual (like date of birth, detailed geographic information short of actual address), and any other information through which a “reasonable person within the school community” could identify the student.

Education Records: Materials that are “maintained by an educational agency or institution or by a person acting for such an agency or institution,” and contain information directly related to a student.

Directory Information: Name, address, telephone listing, email address, photograph, date/place of birth, major, grade level, enrollment status, date of attendance, degrees, honors/awards, most recent educational institution attended, and participation in sports and other activities. Does not include social security number.

De-Identified Data: The school system has removed all personally identifiable, and indirectly identifiable, information and there is a reasonable determination that the information could no longer facilitate the identification of a student.

BEYOND FERPA – ADDRESSING CONCERNS ABOUT PRIVACY AND YOUNG CHILDREN

Violating FERPA may put a school’s federal funding at risk. However, for many schools today the greater risk is losing the trust and confidence of parents. Educators working to bring better technology and learning resources to students and schools are uniquely positioned to help parents understand the importance of these tools – as well as the steps you are taking to improve student data privacy and security. iKeepSafe has valuable tools, training and technology assessments to help educators build parent confidence, and continue expanding access to innovations in teaching and learning.

ADDITIONAL INFORMATION ABOUT COPPA AND PRIVACY FOR YOUNG CHILDREN

- General FERPA Guidance from the U.S. Department of Education <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- “FERPA for School Officials” from the U.S. Department of Education <http://familypolicy.ed.gov/ferpa-school-officials?src=ferpa>
- Privacy Technical Assistance Center from the U.S. Department of Education <http://ptac.ed.gov>
- FERPAISHERPA for School Officials <http://ferpasherpa.org/schoolofficials.html>
- Protecting Privacy in Connected Learning Toolkit from the Consortium for School Networking <http://www.k12blueprint.com/sites/default/files/CoSN-Privacy-Toolkit.pdf>
- Student Privacy Initiative from Berkman Center at Harvard University <https://cyber.law.harvard.edu/research/studentprivacy>