



**STUDENT
PRIVACY
COMPASS**

Student Privacy 101:

Why Protect Student Data?

Objective



Understand potential risks to student privacy and why student information needs to be protected.

Special Protections for Children



- Brains are not fully developed
 - Unable to fully weigh benefits and risks of data collection and use
 - Limited impulse control
 - Socially vulnerable
- Lack of experience
 - Social norms
 - More trusting
- Potentially more acute harms
 - Difficulty understand potential future harms
 - Harms may not be fully realized or discovered until later

The Simple Version

STOP

- No one can **sell** student PII protected by FERPA or use it to **market to kids and families**
- Student PII protected by FERPA **cannot be reshared without consent***

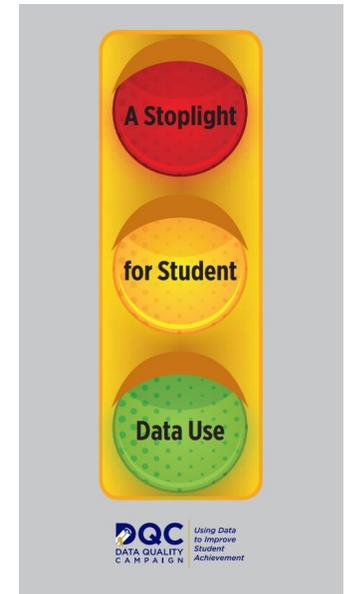


SLOW DOWN

GO

- Parents of K-12 students usually have an absolute **right to access their child's education data**
- The student's teacher can **access the information they need to meet the student's educational needs**

Suggested Resource:



Anyone - including the teacher! - must have a **legitimate educational need** for student data before they can access it, and they:

- Can **use data only for the original purpose for which the data was shared**
- Must be under the **direct control** of the school
- Must maintain **strict data use and security requirements**, such as using data only for the purposes for which it was disclosed and destroying the data when no longer needed for the specified use.

*Except directory information

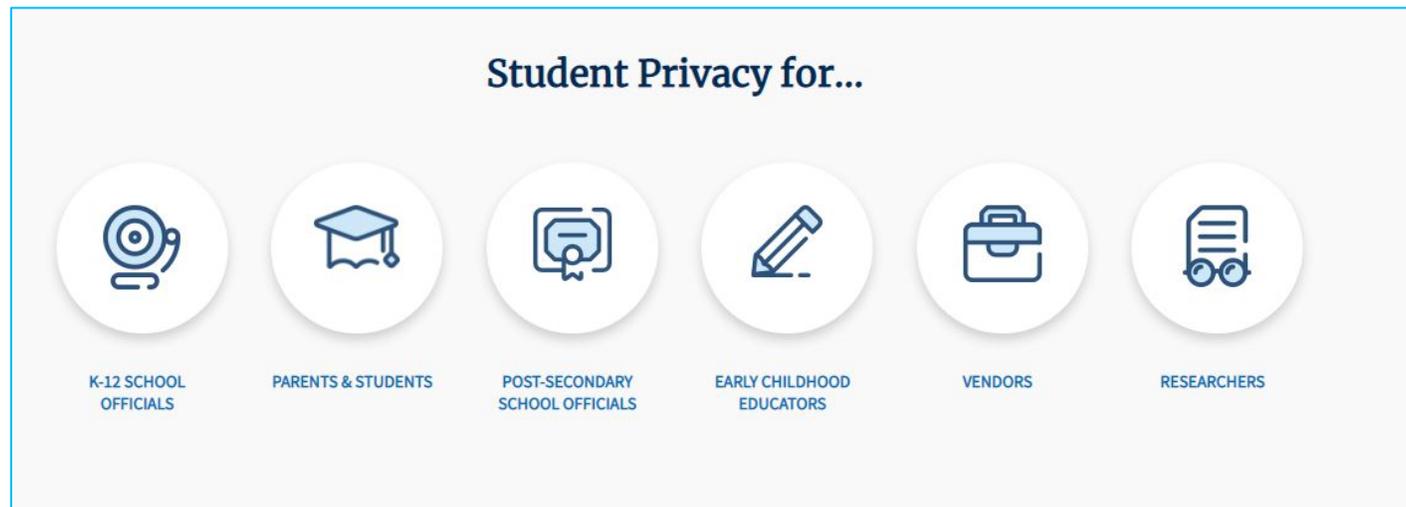
Two Main Goals of FERPA



- **ACCESS:** Guarantees students (or their parents) access to their own educational records; and
- **PRIVACY:** Prevents unauthorized disclosure of educational records (unless exception applies...)

A complaint can be filed with the US Department of Education if someone believes FERPA has been violated

Suggested Resource:



Access



- Parents have right to inspect and review their child's education records, and can challenge the contents of the record and ask that information be changed or deleted
- School must respond to request for inspection within a reasonable time but no later than 45 days
- Prohibits school from deleting or destroying records while access is pending
- Can't charge unreasonable amount

Privacy



- Parent's written consent required before disclosure to third parties unless an exception applies
- If an exception applies, third party recipients must agree not to re-disclose* and are generally subject to several other requirements and restrictions
- School must keep a record of all third party requests and disclosures

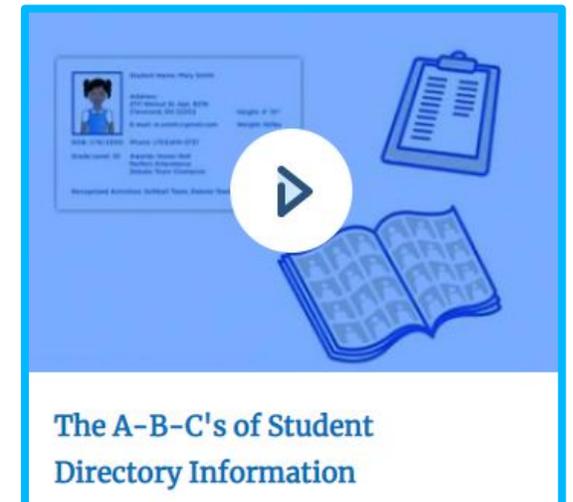
*Except directory information

Most Common Exceptions to Consent

- Directory information
- School official exception
- Health and safety exception
- Studies and audit and evaluation exceptions
- Law enforcement access via subpoena



Suggested Resources:



State Laws That Apply to You: Mostly

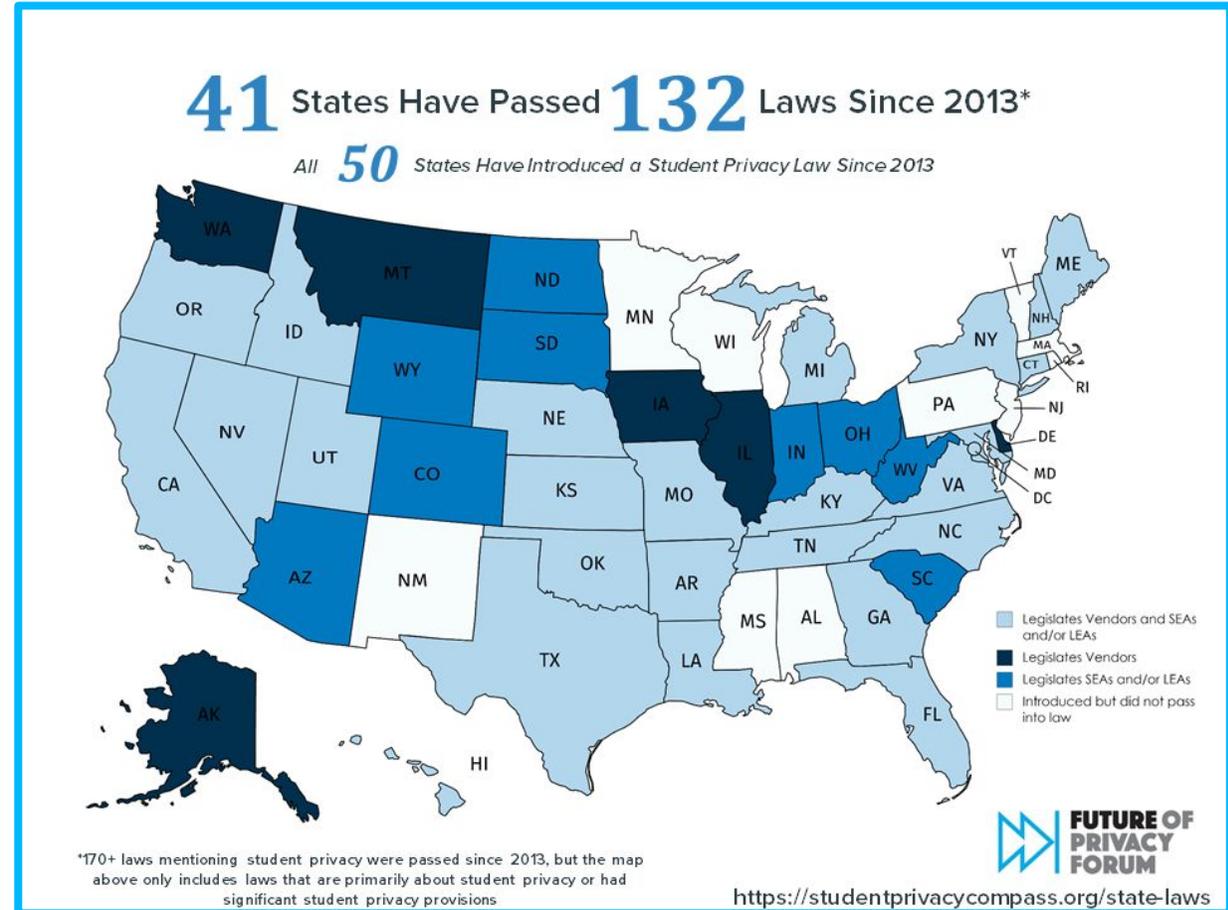
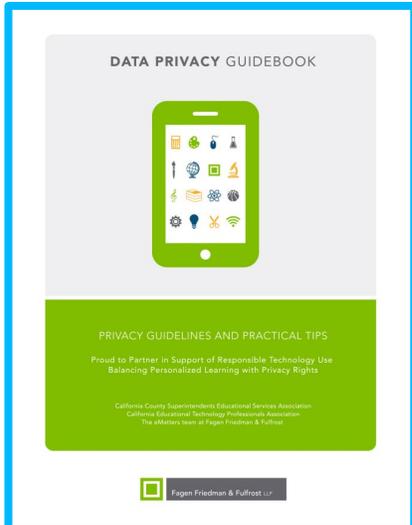
FERPA+ California § 49073.1



- Establish that the school owns and controls student records.
- Prohibit third parties from using student information for purposes outside of those named in the contract.
- Describe how parents, legal guardians, or students can review and correct personally identifiable information contained in their records.
- Outline actions that third parties will take to ensure student data is secure and confidential.
- Describe procedures for notifying affected parents, legal guardians, or eligible students in the event of unauthorized disclosure of student records.

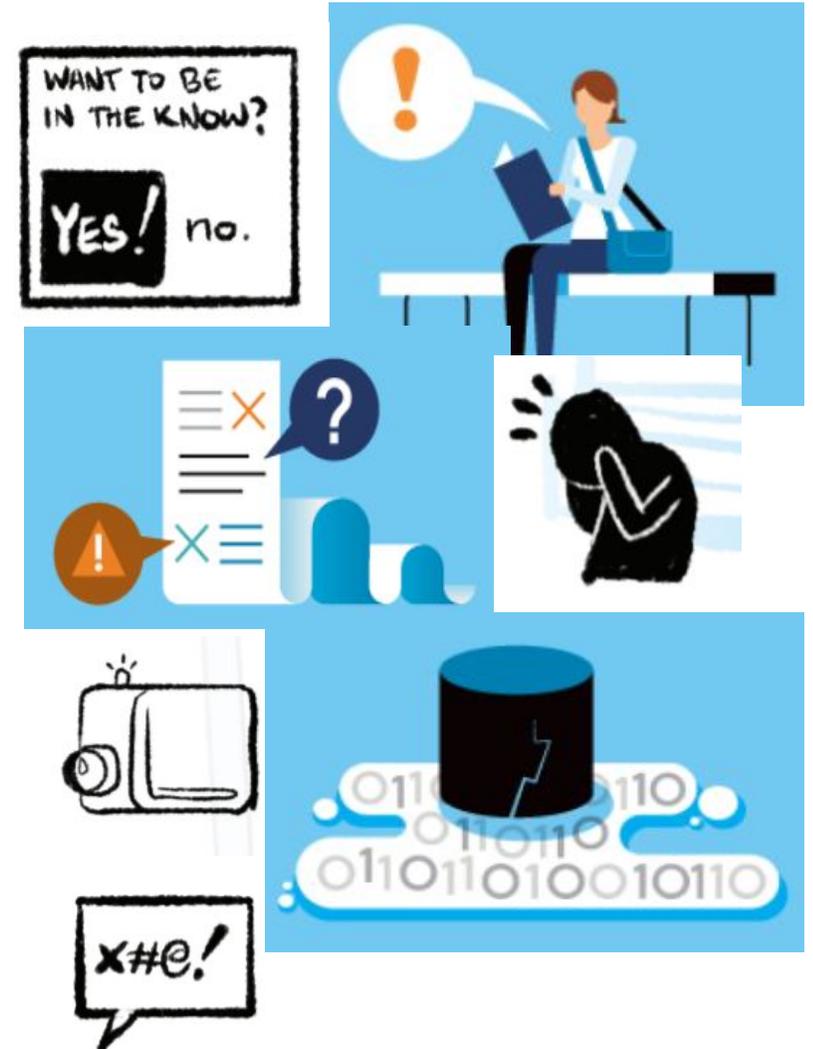
Suggested Resource:

- Certify that student records will not be retained or available to the third party once the contract is over and explain how that will be enforced.
- Describe how schools and third parties will comply with FERPA.
- Prohibit third parties from using personally identifiable information from student records to target advertising to students.



Common Privacy Concerns

- The permanent record
- Commercialization
- Age-inappropriate content
- Safety
- Social harm
- Over-surveillance
- Equity concerns
- Loss of opportunity



Why Should I Care About Student Privacy?



- Federal and state laws
- You could get in trouble
- It's the right thing to do

Activity



Mr. Richards takes his science class on a field trip to a local museum. The students are really excited, and Mr. Richards starts taking pictures of the students by exhibits for the school website. Mr. Richards also posts one of the photos to his Facebook account.

What risks are raised by Mr. Richards posting pictures on his social media account? What risks are raised by posting them on the school website?

Activity: Identifying Risks



Risk	Is this risk implicated?
The permanent record	
Commercialization	
Age-inappropriate content	
Safety	
Social harm	
Over-surveillance	
Equity concerns	
Loss of opportunity	

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Reflection



1. Write a few sentences about why student data privacy is important to you.
 - a. Share your thoughts with a colleague.
2. Which of the risks discussed are you most worried about for your students? For your child, if you are a parent?