

# FERPA

An On-Line  
Professional Development  
offered by

Dewey Public Schools  
for

Dewey Public School Employees

# REQUIRED PROFESSIONAL DEVELOPMENT

In accordance with

US Statute: 20 U.S.C. § 1232g and

Regulation: 34 CFR Part 99

**ALL** Dewey Public School employees must

**ANNUALLY** receive

training in their responsibilities and obligations  
under the

Family Educational Rights and Privacy Act.

**(FERPA)**

# THIS SELF-PACED COURSE WILL:

- Clarify the purpose of FERPA.
- Define an educational record.
- Identify personally identifiable information (PII).
- Provide basic information on the requirements of FERPA

# TRAINING OBJECTIVES

- To provide Dewey Public School employees basic information on their responsibilities and obligations under the Family Educational Rights and Privacy Act (FERPA).
- To provide some resources on where to find additional information about FERPA.

# WHAT IS FERPA?

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student educational records.

# WHAT IS FERPA?

- The U.S. Congress passed the Family Educational Rights and Privacy Act (FERPA) in 1974 about the same time that other federal privacy statutes were passed.
- Congress has amended FERPA several times since its original enactment.
- The Family Policy Compliance Office in the US Department of Education is charged with issuing FERPA regulations and monitoring compliance.

# WHAT IS FERPA?

- FERPA applies to all educational agencies and institutions that receive funds under any program administered by the U.S. Department of Education.
- An example of federal funds received by Dewey Public Schools is funding authorized by the No Child Left Behind Act of 2001 including :
  - Title I funds for disadvantaged students
  - Title IIA funds for professional development and
  - Title III funds for English language learner programs.

# WHAT IS FERPA?

- FERPA **is not** an open record law.
- FERPA **is not** a data sharing law.
- FERPA is a PRIVACY LAW.



# WHAT IS FERPA?

FERPA gives parents certain rights in regard to the education records of their student. Parent FERPA rights transfer to the student when the student reaches the age of 18 or attends a school beyond the high school level.

# WHAT IS FERPA?

FERPA is a federal privacy law that affords parents (and eligible students) the right to:

- have access to their child's education records,
- seek to have the records amended if the records are thought to contain errors,
- consent to the disclosure of personally identifiable information from education records, except as provided by law, and
- File a complaint if they feel their privacy rights are violated.

# WHAT IS FERPA?

FERPA applies to education records held by public, private and parochial educational agencies and institutions, including:

- Elementary Schools
- Middle Schools
- High Schools
- School Districts (Local Education Agencies)
- Career and Technology Schools
- Post Secondary Schools – colleges, universities, career centers
- State Departments of Education
- U.S. Department of Education

# FERPA

## *Basics*

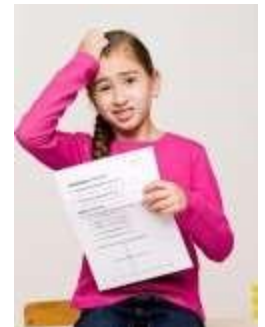
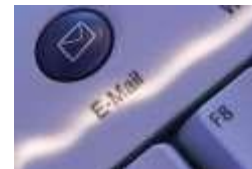
# WHAT IS AN EDUCATION RECORD?

“**Education records**” are documents that:

- Are directly related to a student ,
- Contain personally identifying information and
- Are maintained by an educational agency or institution or by a party acting for the agency or institution.

• Examples:

- Teacher’s Grade Book
- Graded Student Work
- Files about a student on a Computer
- Files about a student on a portable electronic device
- Data about a student in File Folders
- Environmental video showing a student
- Written Information about a student



# EDUCATION RECORDS ARE NOT:

- Sole possession notes used as a personal memory aid by a teacher or principal,
- Law enforcement unit records created and maintained by the school resource officer,
- Alumni records – information about a student after he or she is no longer a student, and
- Peer-graded papers before they are collected and recorded by the teacher.

# INFORMATION (PII)?

- **Personally Identifiable Information** includes direct identifiers such as name, address, and social security numbers.
- **Personally Identifiable Information** also includes indirect identifiers that would have the effect of identifying a specific student, such as race, sex, photographs, medical information and disciplinary records.
- **“Personally identifiable information”** works together with **“education records”** in determining what information must be protected from disclosure.

# INFORMATION (PII)?

- The standard is, can a “reasonable person in the school community” – someone without personal knowledge of the circumstances – identify the student?
- PII also applies to information requested by a person whom the school believes knows the identity of the student.



# WHAT IS DIRECTORY INFORMATION?

- **Directory information** is defined as personally identifiable information that is not generally considered harmful or an invasion of privacy if disclosed.
- The primary purpose of directory information is to allow the school or the district to include information from a student's education records in selected school publications, such as:
  - Including a student's name in a playbill for a drama production
  - Including photos of a student in the annual yearbook
  - Listing a student's name on an honor roll or other recognition lists
  - Listing a student in a graduation program
  - Including a student's height and weight in a sports activity program

# WHAT IS DIRECTORY INFORMATION?

- Directory information cannot include a student's social security number and generally cannot include a student's ID number.
- A regulation released on December 02, 2011 expanded "directory information" to include a student ID number or other unique personal identifier that is displayed on a student ID badge

# WHAT IS DIRECTORY INFORMATION?

- Directory Information can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.
- Before releasing Directory Information to individuals, vendors or outside organizations, Dewey Public School Employees should consult with their building principal or supervisor or Director of Special Services.

# WHO IS A PARENT UNDER FERPA

- Under FERPA **parent** refers to a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
- In the case of divorce or separation of a student's parents, schools are required to give full rights under FERPA to either parent unless the school is provided evidence - court order, state statute, or legally binding document - that specifically revokes these rights.

# WHAT IS AN “ELIGIBLE STUDENT”?

When a student turns 18 years old, or enters a post-secondary institution at any age, the rights under FERPA transfer from the parents to the student, and he or she is known as an “**eligible student**” under FERPA.

# OTHER REQUIRED DISCLOSURES

- In addition, the *Elementary and Secondary Education Act of 1965* (ESEA) requires local educational agencies (LEAs) receiving assistance under the ESEA to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.



# WHAT RIGHTS DO PARENTS AND ELIGIBLE STUDENT HAVE?

- 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 the U.S. Department of Education.

# RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

- Parents or eligible students should submit a **written** request to the school principal that identifies the records they wish to inspect.
- The principal will make arrangements for access and notify the parent or eligible student of the **time and place** where the records may be inspected.
- Schools must comply with a request to inspect and review education records within **45 days** of receiving the request.



# RIGHT TO REQUEST AMENDMENT OF EDUCATION RECORDS

- A parent or eligible student may request that an education record be corrected if they feel the information in the record is incorrect.
- A parent or eligible student should identify in writing the education record believed to contain inaccurate or misleading information and specify why the record should be changed.
- The school must notify the parent or eligible student of their decision to amend or to not amend the identified education record.

# RIGHT TO CONSENT TO DISCLOSURES

- A parent or eligible student shall provide a signed and dated written consent before a school may disclose education records, except for specific exception.
- The consent must:
  - Specify the records that may be disclosed;
  - State the purpose of the disclosure; and
  - Identify the party or class of parties to whom the disclosure may be made.

# RIGHT TO FILE A COMPLAINT

- A parent or eligible student may file a written complaint with the U.S. Department of Education, Family Policy Compliance Office (FPCO) if they feel their rights under FERPA have been violated by a school.

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D. C. 20202

- The complaint must be submitted to FPCO within 180 days of the date of the alleged violation.



## ANNUAL NOTIFICATION OF RIGHTS

- Schools must annually notify parents of students and eligible students of their rights under FERPA.
- Directory information notification may be included within the annual notification.



# DIRECTORY INFORMATION

- Public notice must be given to parents of students in attendance and eligible students in attendance concerning “**directory information**”.
- A parent or eligible student may not use the right to opt out of directory information disclosures in order to prevent a school from requiring a student to wear, to display publically, or to disclose a student ID card or badge.
- A school may adopt a limited directory information policy that allows for the disclosure of directory information to specific parties, for specific purposes, or both.



## **IF IN DOUBT, DON'T**

- Share information about a student with colleagues and co-workers.
- Give out information about a student to anyone.



## IF IN DOUBT, DO

- Refrain from talking about a student with colleagues and co-workers.
- Seek clarification from your principal or supervisor about:
  - What information can be shared about a student,
  - When it is appropriate to share information, and
  - Who information can be shared with



## RESOURCES

**Contact your Special Education Director  
at your site if you have any further questions.**



# ACTIVE WEB LINKS TO RESOURCES

- The following active web links will take you to original source documents where you can find additional information about use and sharing of student information and FERPA law.
- For the links to activate, your computer screen must be maximized.
- If you are unable to activate a link, copy the link and paste it in your web browser.



# RESOURCES

## **FERPA for School Officials**

<http://familypolicy.ed.gov/ferpa-school-officials>

## **Student Privacy 101: FERPA for Parents and Students (video)**

<https://www.youtube.com/watch?v=nhlDkS8hvMU>

## **Family Policy Compliance Office (FPCO)**

<http://familypolicy.ed.gov?src=ferpa> and

<http://www2.ed.gov/policy/gen/guid/fpc/index.html>

**It is mandatory that you now complete a short monkey survey from the PD on Family Educational Rights and Privacy Act (FERPA). Please click on the appropriate link that corresponds with your site.**

**Elementary Staff:**

**<https://www.surveymonkey.com/r/DPMK9LP>**

**Middle School Staff:**

**<https://www.surveymonkey.com/r/D597TNB>**

**High School Staff:**

**<https://www.surveymonkey.com/r/YLCKQDP>**

**Thank you!**