

FERPA Presentation for Elementary and Secondary Schools

In compliance with the U.S. Department of Education and the Mississippi Department of Education
East Tallahatchie School District
Office of Federal Programs

What is FERPA?

A federal privacy law that affords parents the right to

- have access to their children's education records,
- seek to have the records amended, and
- consent to the disclosure of personally identifiable information from education records, except as provided by law.

FERPA Basics

What are “education records”?

“Education records” are records that are –

- directly related to a student; and
- maintained by an educational agency or institution or by a party acting for the agency or institution.

Education records do not include such records as –

- Sole possession records used as a personal memory aid;
- Law enforcement unit records;
- Alumni records; and
- Peer-graded papers before they are collected and recorded by teacher.

What is personally identifiable information?

Personally identifiable information is

Information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

For example: Name, address, Mother's maiden name, social security number, Parent's name, date of birth

What rights do parents and eligible students 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 U.S. Department of Education.

Right to inspect and review Education records

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

Right to Request Amendment of 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.

Right to Consent to Disclosures

- Except for specific exceptions, a parent or eligible student shall provide a signed and dated written consent before a school may disclose education records. The consent must:
 - specify records that may be disclosed;
 - state purpose of disclosure; and
 - identify party or class of parties to whom disclosure may be made.

Right to File a Complaint and Right to Annual Notification of their Rights

- Parent or eligible student may file a written complaint with FPCO regarding an alleged violation under FERPA.
- Complaint must be submitted to FPCO within 180 days of the date of the alleged violation.
- Schools must annually notify parents of students and eligible students in attendance of their rights under FERPA

East Tallahatchie School's notification is included in the student and employee handbook.

Exceptions to general consent

- To school officials with legitimate educational interests (defined in annual notification);
- To schools in which a student seeks or intends to enroll;
- To State and local officials pursuant to a State statute in connection with serving the student under the juvenile justice system;
- To comply with a judicial order or subpoena (reasonable effort to notify parent or student at last known address);
- To accrediting organizations

Exceptions to general consent (cont)

- To parents of a dependent student;
- To authorized representatives of Federal, State, and local educational authorities conducting an audit, evaluation, or enforcement of education programs;
- To organizations conducting studies for specific purposes on behalf of schools;
- In a health or safety emergency; and
- Directory information

Health and Safety Emergencies

- What conditions apply to disclosure of information in health or safety emergencies?
 - 1) Disclosure is necessary to protect the health or safety of the student or others.
 - 2) There is an articulable and significant threat to the health or safety of a student or other individuals.
 - 3) School must record pertinent information when it discloses PII.

What are recordkeeping requirements?

- An educational agency or institution must maintain a record of each request for access to and each disclosure from an education record, as well as the names of State and local educational authorities and Federal officials and agencies listed in § 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent under § 99.33.

Scenarios.. Can you disclose the information?

- A reporter from the local newspaper calls the school and says that he is writing an article about the success of Hispanic students. He asks the school for the name and contact information of Hispanic students who made the honor roll for the year. **NO**
- A student is expelled from high school. A copy of his disciplinary record is sent to the school district's law enforcement unit so that school security can keep the student off campus. Law enforcement maintains that record and discloses it to a reporter in response to a State open records request. Is that permissible under FERPA? **NO**
- A public school district lists the names of students who have overdue library books on their website and posts the list on the school bulletin board. Is this permissible under FERPA? **NO**
- A student who attended Starkville high school has relocated to Massachusetts and is having a hard time being admitted to a Boston high school because the new high school wants the student's disciplinary records from Starkville High School. Can the high school disclose the student's discipline records to the new school. **YES.. FERPA would permit**
- The school nurse at the middle school wants to share information with teachers and administrators about a child's medical records. Does FERPA protect the privacy of student health records. **YES**
- A local church offers an after school college prep program for high school students. How would the church be able to access education records from the high school in order to assist the students in the program? **MUST HAVE CONSENT**

Further Guidance on FERPA Regulations

Addressing Emergencies on Campus <http://www2.ed.gov/policy/gen/guid/fpco/pdf/emergency-guidance.pdf>

Joint FERPA-HIPAA Guidance <http://www2.ed.gov/policy/gen/guid/fpco/doc/ferpa-hipaa-guidance.pdf>

FERPA & Disclosures Related to Emergencies & Disasters
<http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferpa-disaster-guidance.pdf>

Balancing Student Privacy & School Safety
<http://www2.ed.gov/policy/gen/guid/fpco/brochures/elsec.html>

Current FERPA Regulations <http://www2.ed.gov/policy/gen/reg/ferpa/index.html>

New Amendments to FERPA Regulations (Effective 1/3/12) <http://www.gpo.gov/fdsys/pkg/FR-2011-12-02/pdf/2011-30683.pdf>

New Model Notifications LEAs: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/lea-officials.html>