

IT'S A PRIVATE MATTER

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Presentation Contents

- What is FERPA
- Annual Notification
- Directory Notification
- Access to Confidential Data
- Confidential Data Elements
- Office of Civil Rights Ruling
 - .8 .9 and 90. courses

What Is FERPA?

- The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
- FERPA affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records.

Parental Rights under FERPA

- The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.
- The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

What is an Education Record?

- These 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.
- Include students that “attend” classes but are not physically present, including attendance by videoconference, satellite, Internet, or other electronic information and telecommunications technologies.

Annual Notification

- FERPA regulations require that local education agencies give annual notification to parents and eligible students of their rights under FERPA.
- [Model Annual Notification Letter](#)
- Eligible Students are students who have reached the age of 18 or are attending a postsecondary institution.

Annual Notification

- FERPA does not require agencies to notify parents and eligible student individually.
- Agencies must provide notification where parents and eligible students are most likely to see it.
- Education institutions must make provisions to effectively inform individual with a disability or whose primary language is not English.

Access to Records of Eligible Students

- Parents may still have access without student consent if:
 - student is a dependent for Federal income tax purposes
 - The disclosure is in connection with a health or safety emergency
 - If the student has violated any Federal, state, or local law or any rule or policy of the institution

What is Directory Information

- The portion of the education record that if disclosed would not be considered harmful or an invasion of privacy.
- This may include the student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance, email address, enrollment status.



What is Directory Information?

- A unique electronic identifier (GTID) disclosed as directory information may be used to provide access to education records, but only when the identifier is combined with other authentication factors known only to the user, such as a secret password or personal identification number (PIN), or some other method or combination of methods to authenticate the user's identity and ensure that the user is, in fact, a person authorized to access the records.

What is Directory Information?

- School districts and postsecondary institutions may disclose directory information without consent if they have given the parent or eligible student notice of the kinds of information they designate as directory information and an opportunity to opt out of directory information disclosures.



What is Directory Information?

- Parents may refuse to allow the school to designate any, or all, of their child's record as directory information.
- Manner of notification determined by school or LEA



What is Directory Information?

- Public notice can be given several ways:
 - Registration packet sent home to parent
 - In the newspaper
 - School handbook
 - School System website

- FERPA requires the notice to specify how much time parents have to tell the school or school system what, if any, directory information they do not wish released.

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Pop Quiz #1

- The following would be an acceptable release of information without the parent's consent:
 - To the state department of education in relation to an audit or evaluation of state-funded education program. T or F
 - To the student. T or F
 - To any school official within the school district. T or F
 - To potential employers or honor organizations attempting to verify grades or class rank. T or F
 - To the local newspaper regarding the final results of a student disciplinary hearing. T or F
 - To a college at which the student intends to enroll and the request is for the student's GPA. T or F

Pop Quiz #1 -- Answers

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Access to Confidential Data

- Authenticating Users- Schools must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom they disclose education records.
- Examples of Authentication:
 - Passwords
 - Keep passwords confidential
 - Change passwords frequently – every 30-60 days
 - Create passwords containing both numbers and letters (upper and lower case)
 - Personal Security Questions
 - PINS

Confidential Data Elements

- | | |
|------------------------------|---|
| □ Social Security Number | □ Individual Assessment results |
| □ Student health information | □ Migrant status, homeless status |
| □ Discipline Information | □ Medicaid status |
| □ GTID | □ Other data elements parents may request to exclude from directory |
| □ Lunch status | |
| □ IEP status and details | |
| □ Exceptionality | |

POP QUIZ #2

- Schools must officially notify parents of their FERPA rights by mail. T or F
- Schools must provide a parent with an opportunity to inspect and review his or her child's education records within 60 days of receipt of a request. T or F
- Teachers may post grades by student name or social security number. T or F
- In a legal separation or divorce situation, both parents have the right to gain access to the students education records. T or F

POP QUIZ #2 -Answers

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FERPA FACTS

- Recordation – When?
- An education agency or institution is required by statute to maintain with each student's education records, a record of each request for access to and each disclosure of personally identifiable information from the education records of the student.
 - ▣ The education agency must record who received information on a student and also their legitimate interest in the information
 - ▣ This include each release of information to the State agency for audit, evaluation or compliance and enforcement purposes.

Office of Civil Rights (OCR)

- Guidance from OCR
 - ▣ Language on a high school diploma may not disclose that the student was a student with a disability.
 - ▣ In Georgia, school districts are responsible for the language appearing on their diplomas:
 - A diploma should not contain the following words or phrases: Individualized Education Program, IEP, Special Education , Special needs or any other word or phrase that indicates a student was a student who received special education services.
 - The section of the diploma that describes who is awarding the diploma should read the same as other students in that school and not say the “department of special education of the school system is awarding this...”
 - The descriptive section should also not say “having completed the goals of the individualized education program” or similar language

Office of Civil Rights (OCR)

- Transcripts – Primary purpose is to inform postsecondary institutions and prospective employers of a student’s academic achievements.
- Transcripts should not indicate that a student has received special education or a related service or has a disability.
- .8 or .9 or 90. should not appear in the course numbers printed on the transcript. Example: 23.8421 should not be printed on transcript, but 23.0421 is okay to print on report card.

Disclosure Allowed?

Type	DOE or K-12 Entities and Parents	Other Entities (i.e. GSFC, Georgia 411, third party groups covered under FERPA)
Transcript	Yes	Leave, but do not release*
Report Cards	Yes	Leave, but do not release*
Diploma	Yes	Leave, but do not release*
Permanent Records	Yes	n/a
Data Files	Yes	Leave, but do not release*
Printed Schedules	Yes	
GaDOE Portal Apps	Yes	No Access*
Parent Portal Apps (intended for parental use)	Yes	No Access*
Graduation Status Reports	Yes	
Withdrawal Forms (intended for other K-12 schools)	Yes	No Access*

Questions

Thank you