

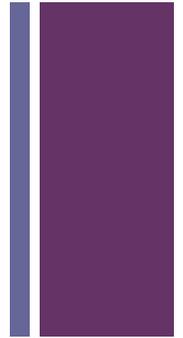
# FERPA

RSU#19 Training (developed July 2012)

The Family Education Rights and Privacy Act

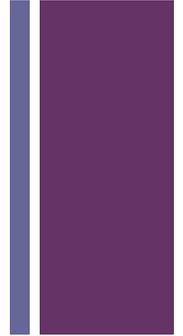


# What is FERPA ?



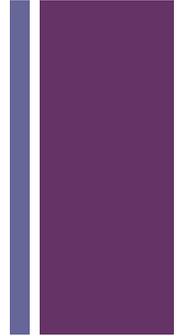
- A congressional act (also known as the Buckley Amendment) that protects the privacy of parents and students
- FERPA applies to all agencies and institutions (schools, colleges) that receive federal funds

# + Purpose of FERPA

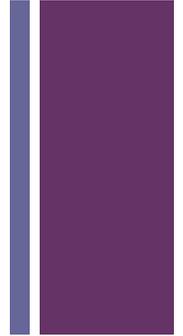


- Ensures that parents have the right to access to their children's educational records
- These rights transfer to the student when he or she reaches the age of 18, or attends school beyond high school
- Protects the privacy rights of parents and children by limiting access to educational records and spoken information without written parent consent
- Guides the amendment and destruction of educational records

# + FERPA Violation Implications



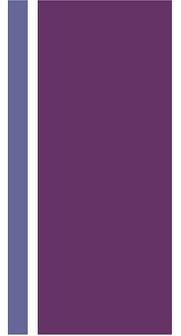
- FERPA allows the government to withdraw federal funds from any educational institution, including RSU#19 schools, which disseminate a student's educational record without his or her parent's consent
- This also applies to spoken information; not just to written records



Before you speak, or share written information, always remember that violating a student's confidentiality isn't just impolite, it's against the law!

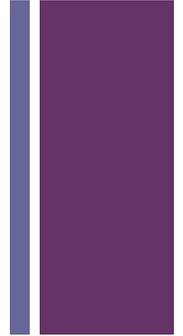


# What is a Student Educational Record ?



- All records that schools or education agencies maintain about students are considered “educational records”
- They include, but are not limited to:
  - Personal information (place of birth, parents, addresses, emergency contacts, social security #, identification code, etc.)
  - Grades, test scores, courses, enrollment information, activities, awards, and official letters
  - Special Education records
  - Disciplinary records
  - Medical and health records created or collected and maintained by the school

# + Review of Records

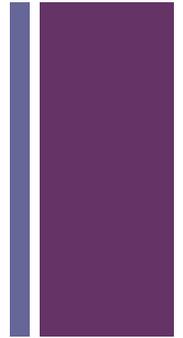


- While parents have a right to access and review records, schools are not required by federal law to provide copies of information, unless providing copies would be the only way of giving parents access
- Schools may charge a reasonable fee for obtaining records, and they may not destroy records if a request for access is pending

# + Amendment of Records

- If parents find that an education record is inaccurate or misleading, they may request changes, or corrections
- Requests should be made in writing, within a reasonable time period and the school or agency must decide if the request to change a record will be granted
- If a parent's request is denied, he or she must be offered the opportunity for a hearing and may insert an explanation of the objection in the record

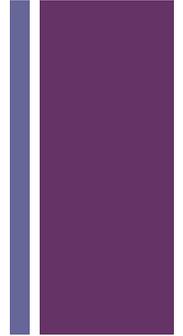
# + Not included .....



FERPA's amendment provisions do not apply to grades and educational decisions about children that school personnel make



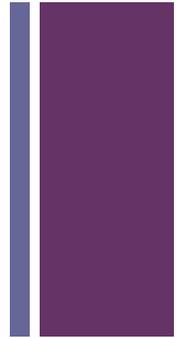
## Exceptions to Disclosure Rules and Written Consent Requirements:



- School officials with legitimate educational interest
- Schools to which a student is transferring
- Organizations conducting certain studies for or on behalf of the school
- Specified officials for audit or evaluation purposes
- Judicial order or lawfully issued subpoena

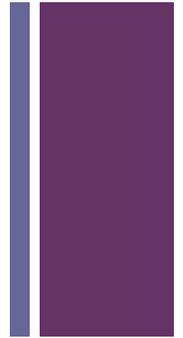
# + Directory Information

- Can be disclosed without written consent of the family or student, unless otherwise requested in writing that the school NOT disclose the information
- Directory information may include:
  - Student's name
  - Participation and grade level of students in officially recognized activities and sports
  - Height and weight of student athletes
  - Dates of attendance in the school unit
  - Honors and awards received
  - Photographs and videos relating to student participation in school activities open to the public (except photographs and videos on the Internet)



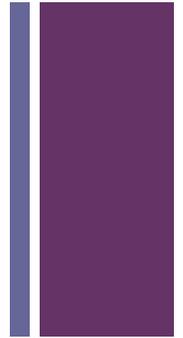
# + Annual notice of Directory Information Release:

- Parents and eligible students must be provided with annual notice of FERPA rights
- Parents and eligible students must notify the Superintendent in writing by September 15<sup>th</sup>, or within thirty (30) days of enrollment, whichever is later. This opt-out request will remain in effect unless and until it is rescinded



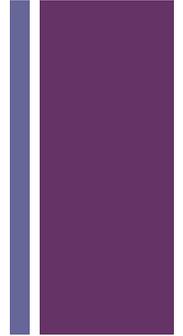


## Educator records not requiring access for parents:



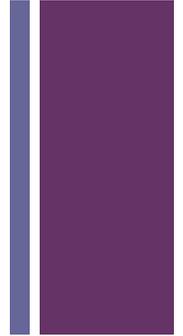
- Notes made as a personal memory aid
    - If they remain in the personal possession of the individual who made them
    - If the information will never be revealed or made available to any other person
- (However, if knowledge of these materials exists, the information may be subject to subpoena)

## + Rules to Remember:

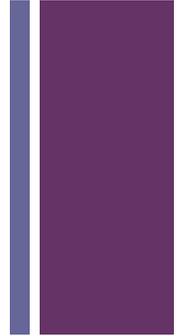


- Student educational records are considered confidential and may not be released without the written consent of the parent or eligible student (18 years old)
- You have a professional responsibility to protect the educational records in your possession
- You have access to information only for legitimate use in the completion of your responsibilities as an instructor

# + Confidentiality:



- Each student you work with has the right to expect that **nothing** that happens to or about him or her will be repeated to anyone other than authorized school department employees
- Even when discussing a student with those who **are** directly involved in a student's education such as a social worker, nurse, therapist, principal, or teacher, you may not share otherwise confidential information with them unless it is relevant to the student's educational growth, safety, and well being



## Family Educational Rights and Privacy Act (FERPA)

Retrieved June 20, 2012

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