

Family Educational Rights & Privacy Act (FERPA)

In General:

FERPA prohibits the disclosure of a student's protected information to a third party. A third party includes any individual or organization other than the student or the student's parents. Once an educational institution discloses information to a third party, it must ensure the third party does not improperly disclose the information in violation of FERPA. Educational institutions not complying with FERPA are in danger of losing their federal funding.

The Plummer Worley School District is 36% federally funded.

3 Types of Information: Educational Information, Personally Identifiable Information, Directory Information

1. Educational information

Records, files, documents and other materials that are maintained by an educational agency or institution.

Transcripts, grades, GPA, SSN, psychological evaluations

Can only be disclosed with parent signature

2. Personally identifiable information

Can only be disclosed if the educational institution obtains parent signature

3. Directory information

Names, addresses, telephone number, date & place of birth, honors & awards, dates of attendance, email, photograph, major fields of study, grade level, enrollment status, participation in activities and sports, weight and height of athletic team members, degrees, and the most recent educational institution attended

Requires public notice and the right for a parent to forbid the disclosure

When Consent is NOT Required under FERPA

FERPA allows schools to disclose educational records, without consent, to the following parties or under the following conditions:

- *School officials with a legitimate educational interest*
- *Other schools to which a school is transferring*
- *Specified officials for audit or evaluation purposes*
- *Appropriate officials in cases of health and safety emergencies*
- *Appropriate parties in connection with financial aid to a student*
- *Accrediting organizations*
- *Organizations conducting certain studies for or on behalf of the school*
- *State and local authorities within a juvenile justice system*
- *Directory information*

Conducting Primary Research

Generally, schools must obtain written permission from the parent or eligible student in order to release any information from a student's education record. Data that cannot be linked to a student by those reviewing and analyzing the data is not "personally identifiable".

FERPA allows schools to disclose personally identifiable information from an educational record if the disclosure is to organizations conducting studies for, or on behalf of schools to:

- *Develop, validate or administer predictive tests*
- *Administer student aid programs*
- *Improve instruction*

A school district is required to enter into a written agreement with the organization or researcher given certain parameters.

Protection of Pupil Rights Amendment (PPRA)

PPRA specifies the right of parents and guardians to inspect any instrument or survey used to collect protected information concerning:

- *Political affiliations or beliefs of the student or the student's parent*
- *Mental and psychological problems of the student or the student's family*
- *Sex behavior or attitudes*
- *Illegal, anti-social, self-incriminating, or demeaning behavior*
- *Critical appraisals or other individuals with whom respondents have close relationships*
- *Legally recognized privileged or analogous relationships such as those of lawyers, physicians, and ministers*

- *Religious practices, affiliations, or beliefs of the student or student's parent*
- *Income*

Parent consent is required before such protected information surveys and instruments can be used to gather information from a minor. PPRA affords parents of school-aged students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams except those required under state law.

Parents have the right to:

- *Consent before taking the survey*
- *Receive notice and an opportunity to opt-out*
- *Inspect upon request and before administration or use*

School districts will make the notification available to parents at least annually. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys and provided with an opportunity to opt their child out of such activities and surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- *Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution*
- *Administration of any protected information survey not funded in whole or part by the US Department of Education*
- *Any non-emergency, invasive physical examination or screening as described above.*