

FERPA Deep Dive

B B B

Brittani Fairchild

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B BF B B B

B B BQ B

B BC B B

About

Student Privacy Policy Office (SPPO)

B B B B B B B B
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Privacy Technical Assistance Center (PTAC)

Q B B B B B B B B B
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Call us! B

Email us! C



Some Considerations

CB B B B B B B B B B B B B
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 B B B B B B B CB B B
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 B B B B B B B B B



FERPA Pre-Test: True or False?

1. CB B B B B B B
B B
2. Q BB B B B B B B
B B B B B
3. BB B B B BB B BB B
B B B B B B B B
B B B B B B B
B B
4. B B B B B B B
B B B B B
5. CB BB B B BB B BB
B B B B B B B B B
B B C B

FERPA Pre-Test: True or False?

6. B B B B B B BB
 B B B B B B
 B

7. CB B B B B B B B
 B B B B B B
 BB B B B B B

8. BB B BB B B B B B B
 B B B B B B B
 B B CB B B B B B
 B B B B B B B B B
 B B B B



FERPA Pre-Test: True or False?

9. B B B B B B
- B B C B B B
10. B B B B B B B B
- F B C B B B F B B F B C B B B B
- B B B B B B B F B B
- B B B B B B B
- B B B B B B B



What is FERPA? Family Educational Rights and Privacy Act

CB B B B B B B B B B B B

~~Access~~ B B B

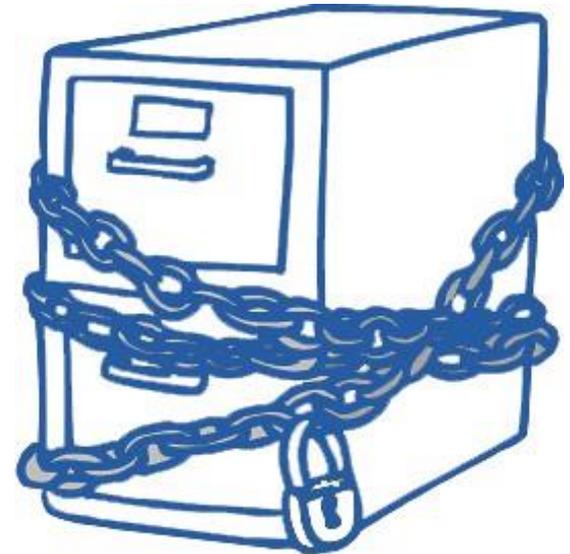
education records B

B B B B ~~Amended~~ B
B

consent B ~~Disclosure~~ B

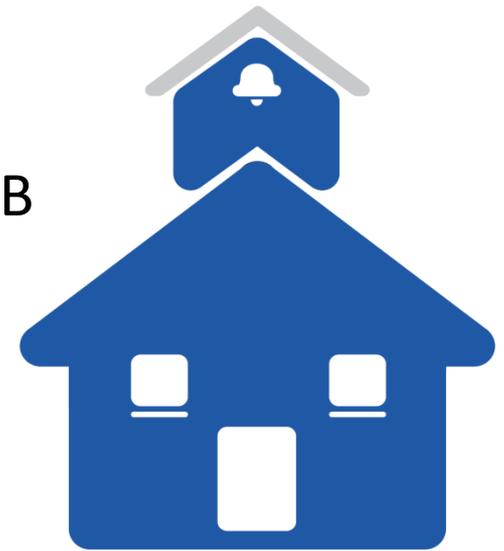
personally identifiable information

B B ~~except~~ B
B B B



Annual Notification of Rights

B B B B B B
 B B B B B B B B
 B B B B B C B
 B B B B B
 F B B B B B
 B B B B B B
 F B B B B B
 B B B B B B



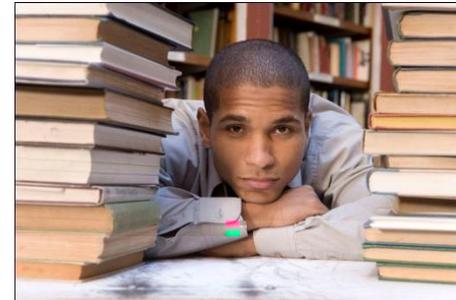
To which educational agencies and institutions does FERPA apply?



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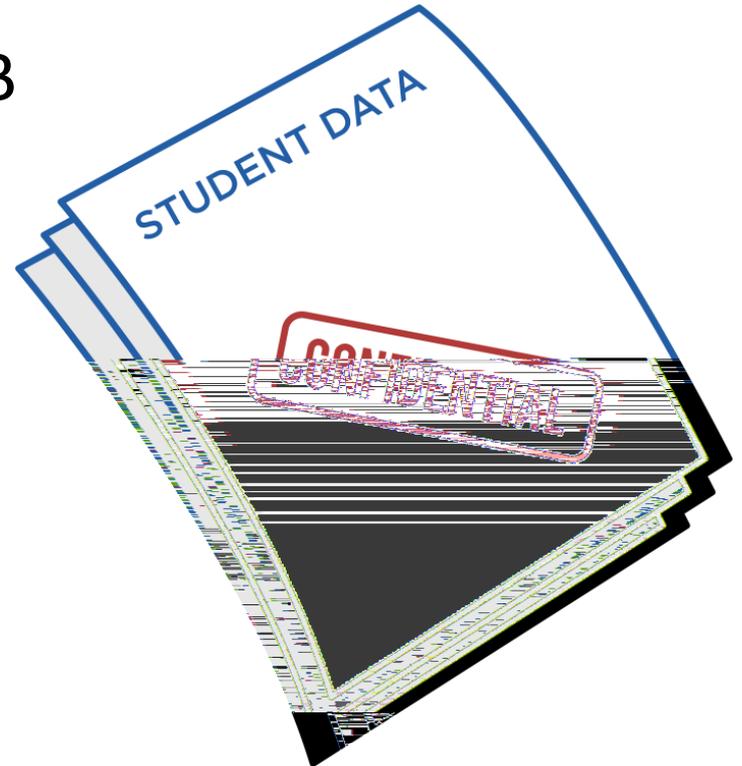
B

B



What is an education record?

- 1. B B B B B
- B B
- B B B B B
- B
- 2. B B B
- B B B
- B B B B B
- B B B B B
- B



Education Records Exemptions

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 B B B B
 B B B BB B B
 B B B
 B B B B B B
 B B



What about the Health Insurance Portability and Accountability Act (HIPAA)?

B B B B B CB B B B B
BJ CCB B B B B Federal
Register B B B B BF B B
 B
 J B B B B B B B
 B B B B B B B
 B B B CB B B
B B B CB BJ CC



Law Enforcement Unit Records

B B B B B B
 B B B B B B
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 B B B B B
 B B B B B B
 B B B B B
 B B B not B
 B B C B B B B



Scenario: Law Enforcement

CB B B B B B B BB B B BBB B BBB B B B B B B B B

B B B B B B B B B B B B B

B B B B B B B

B B B B B B B B B B B B B B B B

B

B



Scenario: Law Enforcement

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B B B B B B B

That attendance record is an education record.

B B B B B B B

B B B B

B B B B personal observation



Scenario: Campus Surveillance Video

B B B B B B B B B B B B
 B B B B B B B B B B B B B
 B B B B B B B B B B B
 B B B B B B B B B B B

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Scenario: Campus Surveillance Video

B B B B B B B BB B B
 B B B B B B B B B B
 B B B B B B B B B
 B B B B B B B B B B
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 B B B B B B B B



When is a video or photo an “education record”?

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 B B B B B B B B B B B B B B B
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B C B B B B B B C B B

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Directly related?! That sounds like FERPAish

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B B B B B B B B
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C B B B B B B B B B
B B B B B

B B B B B B B B



When Videos and Photos are **NOT** Education Records

B B B

B B B BB B BB B

B B BB B B B B
B B B BB B B B

J B BB B BB B B B B B
B B B B B



Videos and Photos that are Records of Multiple Students

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 B B B B B B B B B
 B B B B B B B B B
 B B B B B B B B B B B
 B
 B B B B B B B B
 B B B B B B B B B
 B B B B B B
 B B B B B B B B
 B B B B B B



Scenario: Divorced Parents

B BF B B B B BB B BB
 B BB B B B BC B B B B
 B B B B B B B B B B
 B B BF B BB B B B B
 B B B B BB B B
 B B B B B B B B B
 B B B B B B B B B
 B B B B B B B B B
 B BF B B B B B B



Definition of "Parent"

■ B C B

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■ **Parent**

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 B B B B B B B B B
 B B B B

■ B B B B B B



Rights of Parents (Custodial and Noncustodial)

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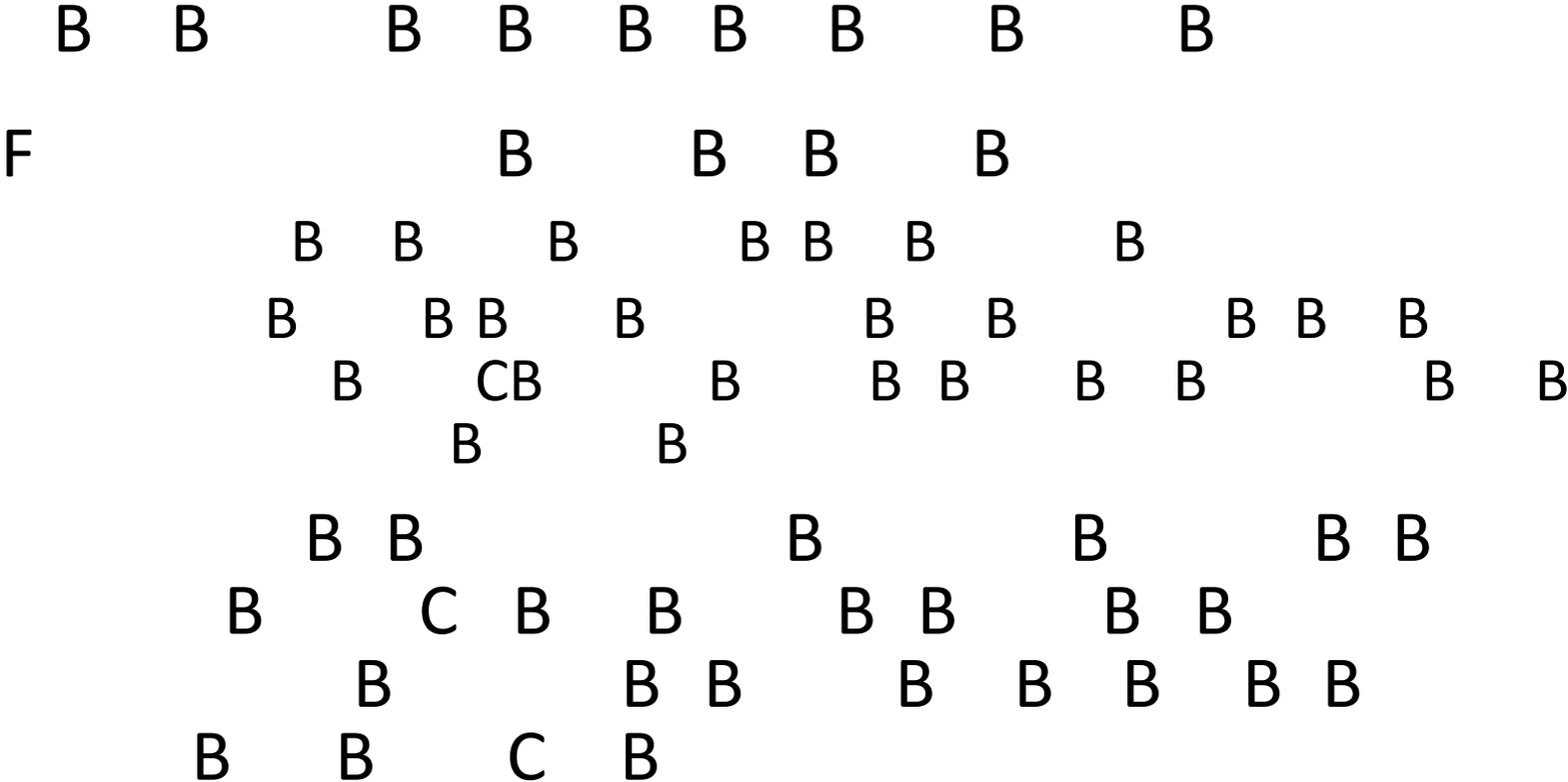
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Scenario: Divorced Parents



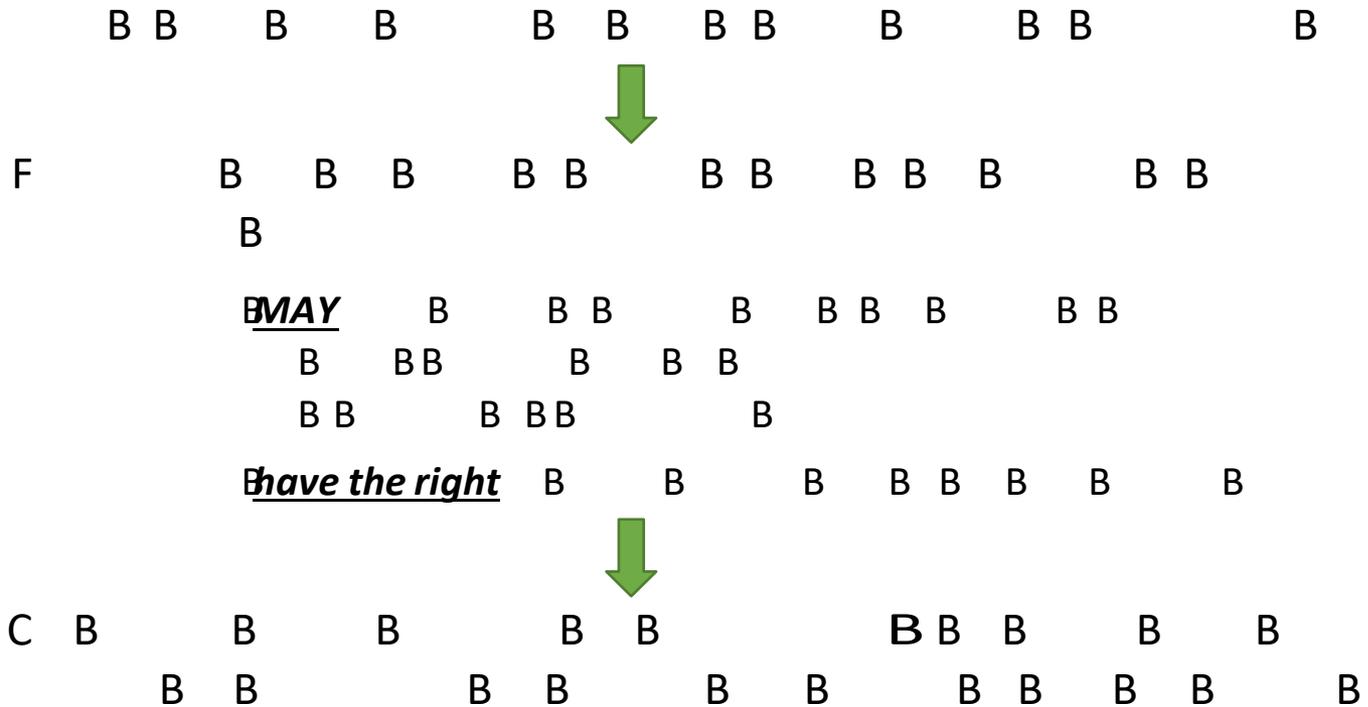
Transfer of Rights Under FERPA

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 B B B B B B
 B B B B B B B
 B CB B B B B B B



Dual Enrollment

The fun and “easy” way to work through this problem.



Scenario: Deceased Students

B	B			B B		B		B	B B
	B		B B	B		B B		B	B B
B	B			B	B			B	B
	B B	B	B	B		B	B	B	B
B			B		B B		B		B B
B			B						



Scenario: Deceased Students

B B B B B B B B B
 B B B B B B B B B
 B B CB B B B B B B B B
 B B B B B CB B B B B B
 B B B B B B B B B B B B
 B B B B B B B B B B B B
 B B B B B B B B B B B B
 B B B B B B B B B B B B
 B B



Scenario: Deceased Students

B B B B B B B B
 B B B B
 C B B B B B B CB B
 B B B B B B B B B
 B B B B B B B B
 B B B B B B B B
 B BB B B B B
 B B B B B



Scenario: Reporting Test Results

B B B B B B B B B
 B B B B B B B B B B B B
 B B B B B B B B
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B B B B B B B B B
 B B B B B B B B B B

F B B B B B B B B



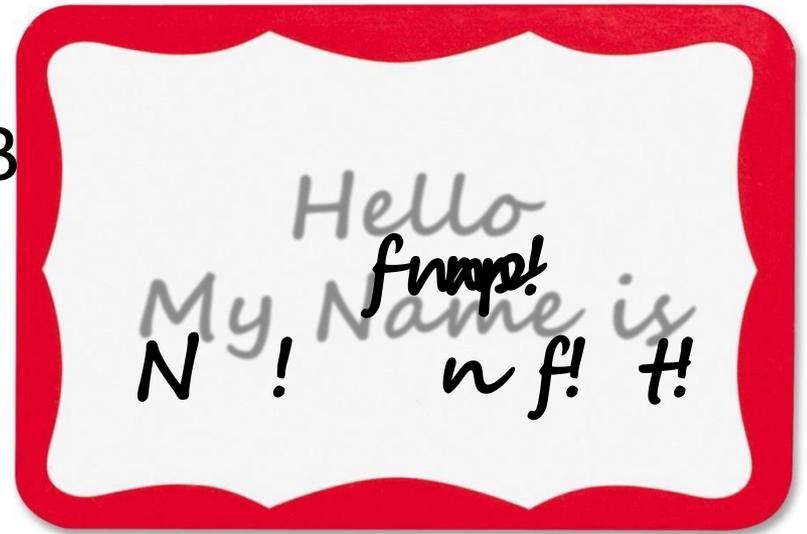
PII is:

Personal Information

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PII is:

Personally

Identifiable

Information

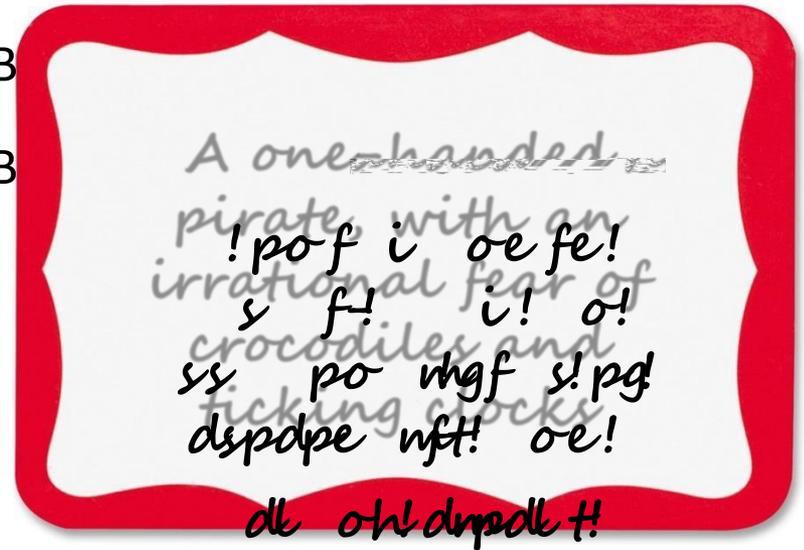
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PII is:

Personally
Identifiable
Information

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What John Pulls from his SIS

Name	Race/Ethnicity	Gender	Pirate Status	# of Hooks	GPA
	W	M	Y	1	2.0
	A	F	N	0	3.5
	B	M	N	0	3.8
	W	F	N	0	2.0
	H	M	N	0	3.3

Still Personally Identifiable?

Name	Race /Ethnicity	Gender	Pirate Status	GPA
	W	M	Y	2.0
	A	F	N	3.5
	B	M	N	3.8
	W	F	N	2.0
	H	M	N	3.3

What about

B B
 BF B
 B B
 F BF B
 R I



Scenario: Reporting Test Results

B	B	B	B B B	B	B
B	B		B B	B	B B B
	B	B		B	

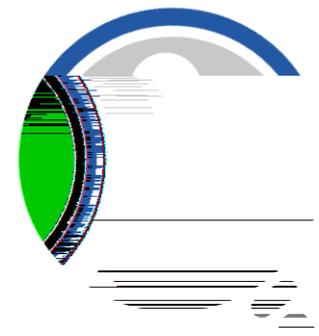


FERPA Rights of Parents and Eligible Students

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 B B B B B B B B
 B B B B B B B B
 B B B B B B B B
 B B B B B B C B



Right to Inspect and Review



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 B B B B B B B
 B B B B B B B
 B B B B B B B
 B B B B B B B
 B B B B B B B
 B B



Right to Inspect and Review

May an educational agency or institution charge a fee for copies of education records?

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 B B B B B B B B B B B B

B

What limitations exist on the right to inspect and review education records?

B B B B B B B B B
 B B B B B B B B B
 B B B B B B B B B B
 B

B



Scenario: Official Transcript

B B B B B B B B B C B
 B B B B B B B B B B B
 B B B B B B B B B B
 B B B B B B B B B B
 B B B B B B B B B B
 B B B B B C B B
 B B B B



Right to Request Amendment

B B B B B B B B B
 B B B **Inaccurate or misleading information.**

B B B B B B B
 B B B B
 B B B B B B B B
 B **Right to a hearing**

C B B B B B B B B B B B
 B B B B B B B B B



Can parents or an eligible student use the amendment procedures to challenge a grade?

CB B B B B B CB B B B
 B B B B B B B B B
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CB B B B B B B B
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Prior Written Consent Requirement

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BB

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____



General Consent Exceptions

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B B B B

C B B B B B B B B B
B B B B B B B B B
B B B B B B B B B

Q B B B B B B B B B
B B B B B B B B B



General Consent Exceptions

J B B B

C B B B B B B

B

B BB B

B B B



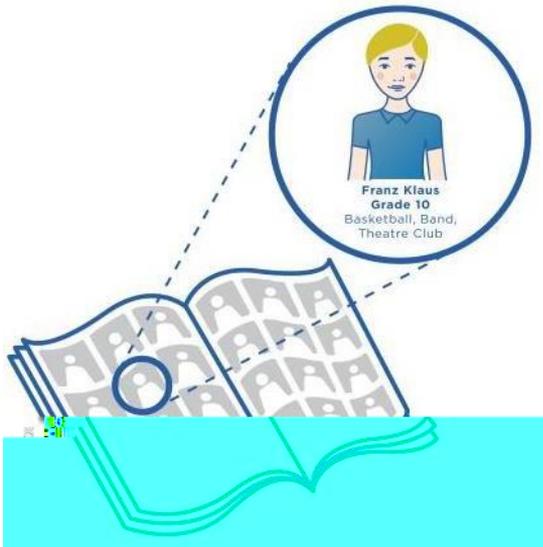
General Consent Exceptions

B B B B B Bfor those
 children in foster care B B B B

B B B
 B B B B B B B B B B B
 B B B B B B B B B B
 B



Exception: Directory information



B B B B

B B B B

B B B B

B B B B

B B B B

B B B B

B B B B

B B B B

B B B B

B B B B

Exception: Directory information

B

✓ B B B B B B B

✓ B

✓ B B B B B

✓ B B B B

✓ B B B B B B B

✓ B B B B B B B

✓ B B B B B B B B

✓ B B B B B

✓ B B B B B

Never B B B

B B B B B B B



Exception: Directory information

C B B B B B B B B B B

 B B B B B

 B B B B B B B B

 B B B B B B

 B B B B B B

 B B B B B B B B

 B B B B B B B B

B



Opt-outs have consequences

Q B B B B B

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 B

 J B B

 F B B

 B B



Scenario: Community Based Organization

B B B B B B B B B B
 B B B B B B B B B B
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B B B B B B B B B B B B
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 B B B B B B B



Considerations for Schools and Districts

J B B B B

J B B B B B B

J B B B B B B B B B

B B B B B B B

B B B B B B B B



Exception: School Official

B B B B B B B
 B B B B B B B B
 B B B B B B B B
 B B B B **Legitimate educational**
interest
 C B B B CB B B B B
 B B B B B B B B
 B B B B B



Exception: School Official

Q B B B B B B

 B B B B B B B B

 B B B B B B B B

 B B B B B B

 B B B

 B B B B B B

 B B B B B B B B

 B B B B B C B B B

 B B B C B B B B B

 B B B B B B



Scenario: School Employee

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 B B B B B B B B B
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 B B B B B B B B B B B B
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 B B B B B B B B B B B B B B B B
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Scenario: School Employee

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J B B B B B B B

 B B B B B B B C B

1. B B B B B B B B B

 B B B

2. B B B B B B B B B B B B B

 B B B B B



Scenario: Teaching Assistant

B B B B B F B | B | B B EC B F B | B B B B B B B B B B
 B B B B B B B B B B B B B B B B B B B B B B
 F B

J B B B B B B B B B

B B B

Q B B B B B B B B B B B B B B B B B B B B B B B B B
 B C B B C B B B B B B B



Scenario: Teaching Assistant

CB B B B B B B B B
 B B BB B B B B BB B
 B B B B B B
 B B B B B BB
 J B B B B B B B B
 B B B B B B B
 B B B B B B B B B
 B B B B B B B B B
 B B B B B B B



Do you use volunteers?



F B B B B
 C B B B B
 B B B B B
 B B B B B
 B B B B B
 B B B B B
 B B B B B



Privacy Technical Assistance Center
 privacyTA@ed.gov
 ptac.ed.gov

Acknowledgement of Volunteer Responsibilities under the Family Educational Rights and Privacy Act (FERPA)
 [and]
 [Name of State Statute]



Scenario: Parent Volunteer

B B B B B B B B B B B
 B B B B B B B B B B B
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 B B B B B B B B B B B B
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Considerations for Schools and Districts

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J B B B B B B B

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Scenario: After School Program

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 B B B B B B B B B
 B B B B B B B B B

 B B B B B B B B B B
 B B C



Exception: Parents of a Dependent Student

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B	B				B	B	B		B	B	B		B
B	B				B	B			B	B	B	B	
B				B		B	B						



Scenario: The Difference between “May” and “Must”

B B B B B B B B B
 B B B B B B B C B
 B B B B
 B B B B B B B B B B
 B B B B B B B B B
 B B B B B B B



Exception: Health or Safety Emergency

F B B B B B B B B

 B B B B B

 B B B B B B B B B

 B B B B B B B B

C B B B B B B B

 B B B B B B

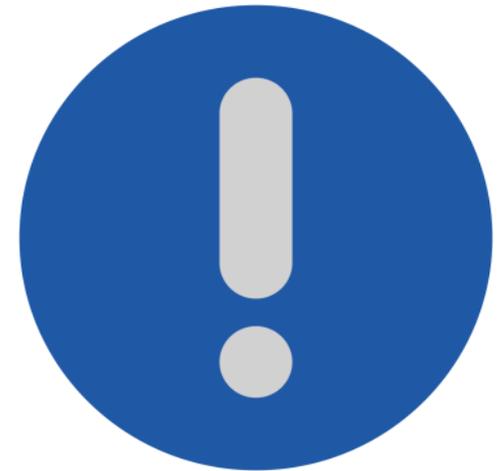
 B B B B B

 B B B B B B B B

 B

 B B B B

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Exception: Health or Safety Emergency

F B B B B B B B B B B
 B B B B B B B B B
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 B B B B B B B
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Judicial Order or Subpoena

- Does FERPA **require** schools to disclose information from education records pursuant to a judicial order or subpoena?

Yes

No



Exception: Judicial Orders & Subpoenas

B B B B B B B B
 B B B BB B B B
 B B
 B B BB B BB B B
 B B B BB B B B B B
 B B BB B B B B B B B
 B B B B B B B B
 B B B B B B B B
 B C B B B B B



Exception: Financial Aid Disclosures

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 F B B B B B B B
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 F B B B B B B
 F B B B B B B
 B B B B B B B



Exception: Audit or Evaluation

C B B B B B B B B B

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B B B

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Exception: Student in Foster Care

B EC B CB
 B B B B B B B B
 B B B B B B CB B
 B **B B B** **B** **B** **B**
 B B B B B B B B B B B B B B B B B B
 B CB B B B B B BB B
 B B B B B B B
F **B** **B** **B** **B** **CB B** **B**
 B B **B** **B** **B** **B B** **B**
 B B **B** **B B**



How long must records be maintained under FERPA?

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 CB B B B B B
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What are the Enforcement Provisions?

B B B BQ B QB B
 B B B B CB

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 B B B B QB

B B B B B B B B
 B B B CB QB B B B
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 B B B B B B B B B
 B B B B B B B
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FERPA Pre-Test: True or False?

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- 2. Q BB B B B B B B B B B B
 B B B B B B
- 3. BB BB B BB B BB B BB B B B
 B B B B B B B B B B
 B B B B B B B B
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- 4. B B B B B B B B B B
 B B B B B
- 5. CB BB B B BB B BB B BB B B
 B B B B B B B B B B
 B B C B



FERPA Pre-Test: True or False?

6. B B B B B B BB B B
 B B B B B B B

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 7. CB B B B B B B B B
 B B B B B B B B
 BB B B B B B B

8. BB B BB B B B B B B
 B B B B B B B B
 B B CB B B B B
 B B B B B B B
 B B B B B B



FERPA Pre-Test: True or False?

9.

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B B C B B B

B **B**

10.

B B B B B B B
F B B B B B B B B B
B B B B B B B B B
B B B B B B B B
B B B B B
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B B



Questions?





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Subscribe to our Newsletter!

B BF B B B B B B B B
 B B B B B B B B B B
 B B B B B B C B B B
 B B B B B QB B B B
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CONTACT INFORMATION

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