



# 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

# Disclaimer

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# About

## Student Privacy Policy Office (SPPO)

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## Privacy Technical Assistance Center (PTAC)

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Call us! B

Email us! C

# Some Considerations

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                   B                    B    B  
           B                    B B                    B B                    B B                    CB                    B B  
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# Some More Considerations

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                     B                      B                      B B                      B                      B                      B

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

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B B
2. Q BB B B B B B B  
B B B B B
3. BB BB B BB B BB B  
B B B BB 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 BB B BB  
B B B B B B B B  
B B CB

# FERPA Pre-Test: True or False?

6.            B   B            B   B            B            B   B B  
               B   B            B            B            B            B  
               B

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

8.   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



# FERPA Pre-Test: True or False?

9.                    B                    B   B                    B   B   B
- B                    B   C   B                    B                    B
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# What is FERPA?

## Family Educational Rights and Privacy Act

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~~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





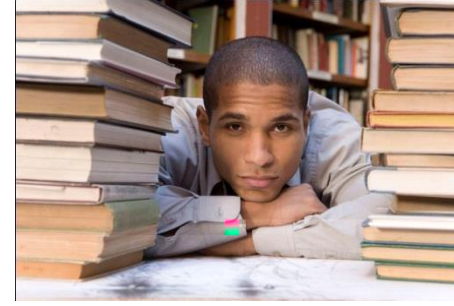
# To which educational agencies and institutions does FERPA apply?



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# What is an education record?

1.

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2.

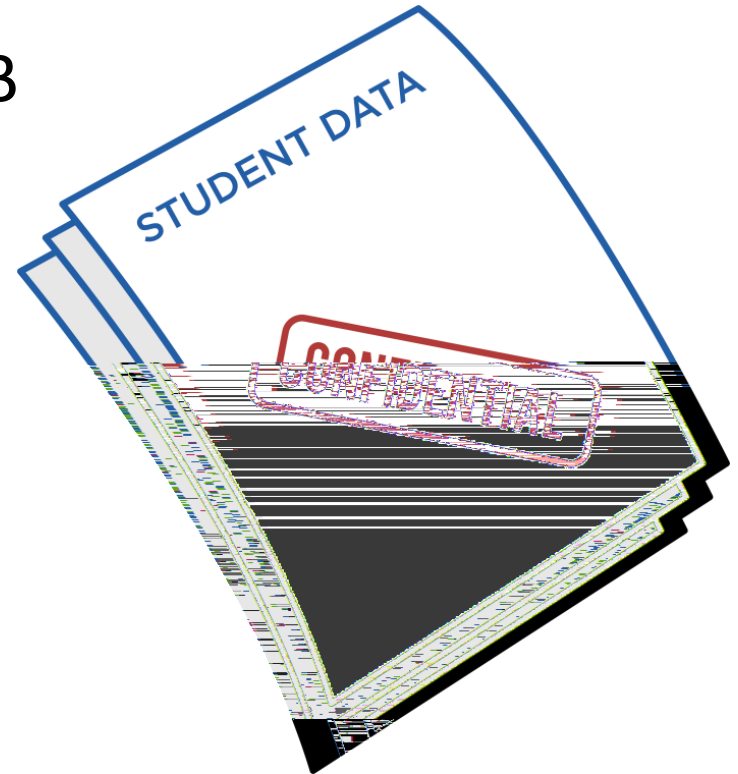
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# Education Records Exemptions

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

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 B B B CB B B  
 B B B CB B CC



# Law Enforcement Units

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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



# Law Enforcement Units

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 B B B B  
 B B B B

# Law Enforcement Unit Records

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                                     B    B        B    B                                      B  
 B                                      B                      B    not                      B

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B    B                      C B        B    B                                      B

# Scenario: Law Enforcement

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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



# Scenario: Law Enforcement

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B B B B B B B B

**That attendance record is an education record.**

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B B B B

B B B B **personal observation**

# Scenario: Campus Surveillance Video

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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            B   B   B   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: 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  
       B        B        B        B        B        B        B B  
 B        B        B        B        B B        B        B        B B  
       B B        B        B        B        B B        B        B B        B  
 B B        B        B B        B        B        B



# Directly related?! That sounds like FERPAish

F      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 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



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

B B B

B B B B B B B

B B B B B B B B B B

J B B B B B B B B B B

# Videos and Photos that are Records of Multiple Students

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    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 B B B B B BC B B B B  
 B B B B B B B B B B  
 B 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 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

- **Parent**

- B B B B B

# Rights of Parents (Custodial and Noncustodial)

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

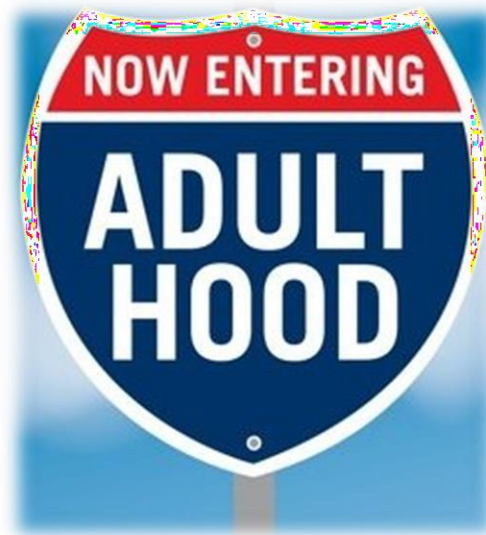


# Scenario: Divorced Parents

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

# Transfer of Rights Under FERPA

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



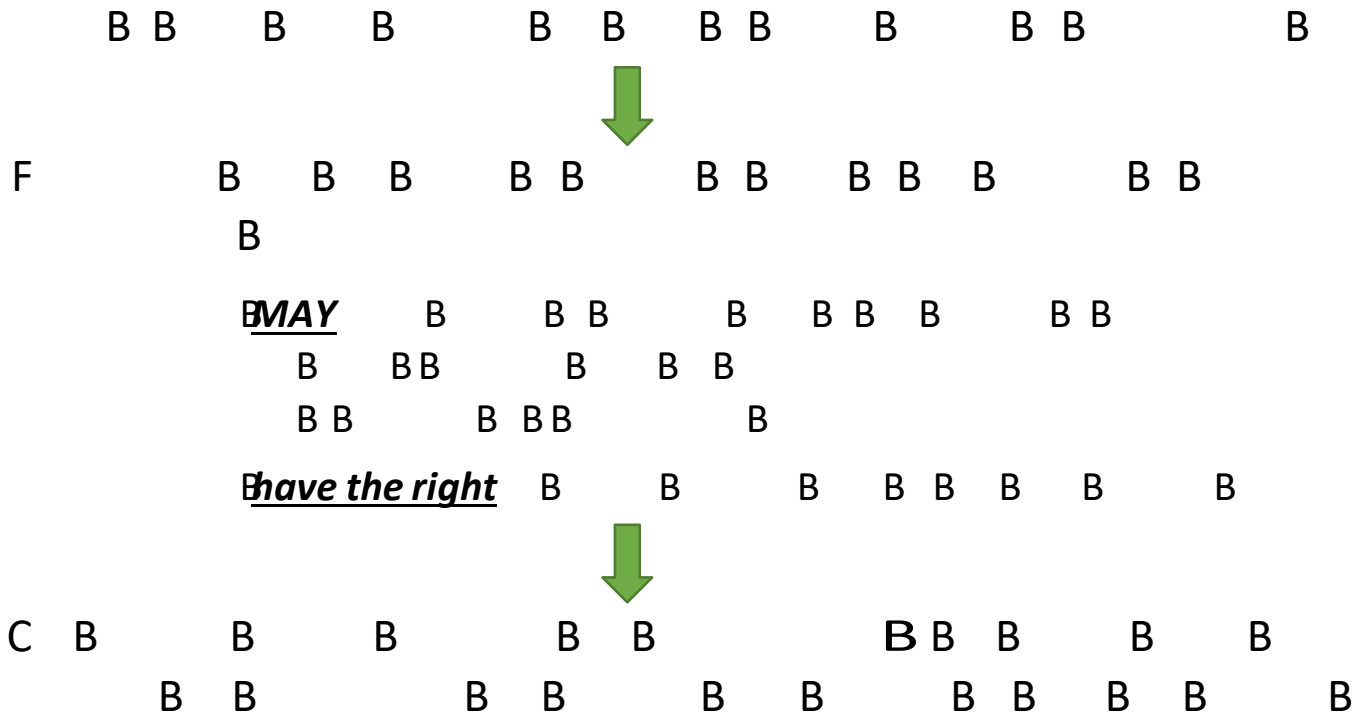


# Scenario: Dual Enrollment

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



PII is:

Personal  
Information

B

B

B



!  
!

16

B      BF                      B B                      B                      B                      B      BQ                      B



PII is:

Personally  
Identifiable  
Information

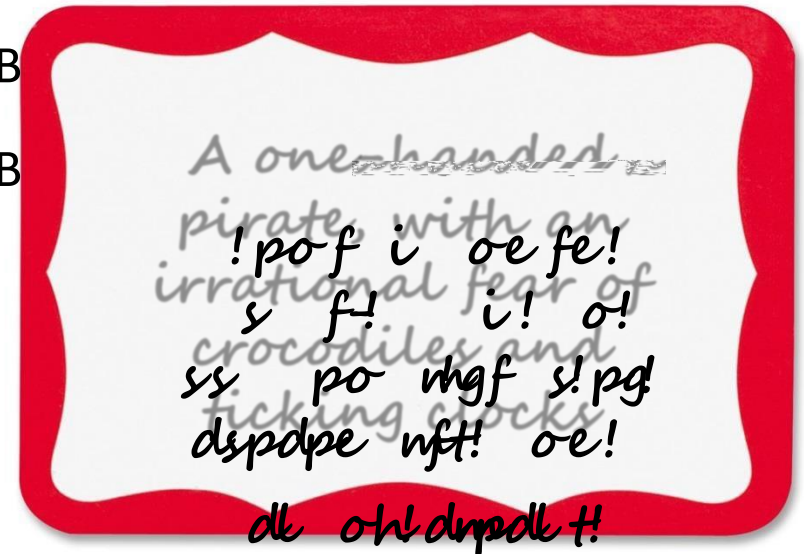
B

B

B

B

B





**PII is:**

Personally  
Identifiable  
Information

B

B



!  
!

18

B      BF                      B B                      B                      B                      B      BQ                      B

# 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  
       B            I

# Scenario: Reporting Test Results

B    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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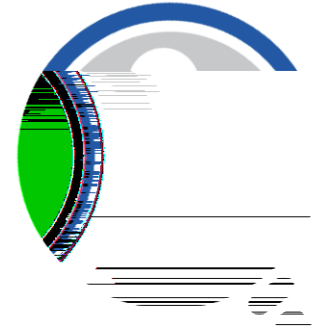
B

B B

C B



# Right to Inspect and Review



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  
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# 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  
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       B B      B B B      C B      B  
 B B      B B



# Right to Request Amendment

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 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  
 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?

BCB      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

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



# Prior Written Consent Requirement

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

B B

✓ \_\_\_\_\_

✓ \_\_\_\_\_

✓ \_\_\_\_\_

✓ \_\_\_\_\_

✓ \_\_\_\_\_



# General Consent Exceptions

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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

Q B B B B B B B

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# General Consent Exceptions

J      B B      B

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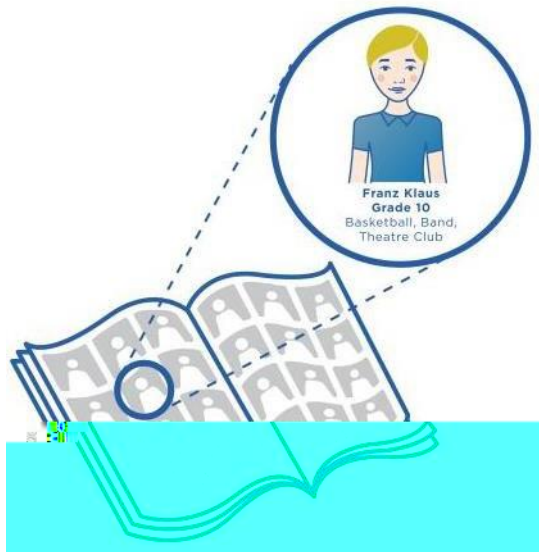
B      B B

# General Consent Exceptions

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 children in foster care B B B B

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## Exception: Directory information



# Exception: Directory information

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✓ B

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**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  
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                  B    B                   B                   B    B            B B            B  
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# Opt-outs have consequences

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# Scenario: Community Based Organization

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# Scenario: Community Based Organization

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 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

# Considerations for Schools and Districts

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J B B B B B B

J B B B B B B B B B  
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# Exception: School Official

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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    C    B    B                    B                    B

                  B                    B                    B    B                    B    B                    B    B                    B                    B

                  B                    B                    B    B                    B    B                    B                    B



# Scenario: School Employee

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

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

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 B

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



# Do you use volunteers?



B

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  
 B B B B B  
 B B B B B



**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  
           B            B B    B            B    B    B B            B    B  
           B            B B B            B    B B            B    B B            B B  
 B            B    B            B    B            B    B            B            B  
           B    B            B    B            B    B            B            B B  
 B            B            B            B B            B            B            B B B  
           B  
 B B            B B            B B            B B            B            B B            B B  
           B            B            B    B    B            B            B B            B B  
           B B    B            B B    B            B



# Considerations for Schools and Districts

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

# Scenario: After School Program

B B B B B B B  
 B B B B B B B B B  
 B B B B B B B B B  
 B B B B B B B B B  
 B B B B B B B B B  
 B B B B B B B B B  
 B B B B B B B B B  
 B B B 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: After School Program

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

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

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            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

      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                      B B                      B

# 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

The diagram consists of several rows of letters:

- Row 1:** B — B
- Row 2:** B B      B BB      B BB
- Row 3:** B      B
- Row 4:** B B      BB      B      BB B      B B
- Row 5:** B B      B      BB B      B      BB B      B
- Row 6:** B      B      BB B      B B      B      B B
- Row 7:** B      B      B B      B      B      B
- Row 8:** B      B      B B      B B
- Row 9:** B CB      B      B

# Exception: Financial Aid Disclosures

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









# How long must records be maintained under FERPA?

CB            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  
  
 CB            B    B                    B            B            B  
 B    B            B            B

# What are the Enforcement Provisions?

B                      B                      B                      BQ                      B                      QB                      B  
                             B                      B                      B                      B                      CB                      B  
  
 B                      B                      B                      B                      B                      B                      B  
                             B                      B                      B                      B                      QB                      B  
  
 B                      B                      B                      B                      B                      B                      B                      B                      B  
                             B                      B                      B                      B                      CB                      QB                      B                      B                      B  
     B                      B                      B                      B                      B                      B                      B                      B  
  
                             B                      B                      B                      B                      B                      B                      B                      B                      B  
                             B                      B                      B                      B                      B                      B                      B                      B                      B  
                             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  
           B B
2. Q B B B B B B B B B B B B B  
           B B B B B B
3. B B B B B B B B B B B B B B B B  
           B B B B B B B B B B 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 B  
           B B B B B B
5. 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 C B

# FERPA Pre-Test: True or False?

6. B B B B B BB B ☒
- 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
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





# Questions?



# Subscribe to our Newsletter!

B BF 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 B B B B B B

B

B



# CONTACT INFORMATION

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