Confidentiality

Family Educational Rights and Privacy Act (FERPA)

FERPA

FERPA is a federal law that protects students and gives students and their parents five rights:

1. Right to inspect and review educational records.
2. Right to correct erroneous information in a record.
3. Right to consent to the disclosure of education records or confidential information therein.
4. Right to obtain a copy of the district's FERPA policy.
5. Right to file a complaint for violations of confidentiality of educational records or information contained therein.

Welcome to FERPA

Take a look around your work area. What information do you have which may need to be handled in a secure way? For example:

- A school district directory
- Student registration form
- Grades
- Student information displayed on your computer

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The consequences of how one handles or mishandles student information are significant. For example:

- Unauthorized disclosure will subject an employee to disciplinary action.
- Unauthorized disclosure could subject the district to compliance monitoring.

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Student educational records are official and confidential documents or information protected by FERPA.

Student educational records, as defined by FERPA, includes all records and confidential information related to a student and maintained by the school and district.

These records can be in any media, e.g., handwritten, print, type, electronic, or confidential information contained therein.

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Education records DO NOT include:

Personal notes by teachers, principals, or other staff which are not shared with others.

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As a rule, a school or district must have written permission from the parent or, if the student is 18 or older, the student before releasing information from the student's record.

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Under certain circumstances, confidential (non-directory) education records can be released without a parent's or, if 18 or older, a student's prior consent. For example:

1. To comply with a lawfully issued subpoena.
2. To maintain safety and security on campus.
3. To school officials who have a legitimate educational interest or a legal right to know.

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REMEMBER - Access to student records or confidential information about a student is restricted. Therefore:

1. Records should be used only in the context of official business.
2. Confidential non-directory information about a student cannot be disclosed to a third party without prior written consent of a parent or, if 18 or older, a student.

Curiosity does not qualify as a legal right to know.

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REMEMBER, REMEMBER, REMEMBER

Confidential information from a student's record may be released ONLY with the prior written consent of the parent or, if 18 or older, the student.

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BE AWARE that confidential information learned about a student during the course of performing one's job cannot be disclosed without prior written consent.

Likewise, student information viewed on a computer screen is to be treated with the same confidentiality as paper records.

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When in doubt, DO NOT release information before consulting with a district administrator.

“OOPS” is not an acceptable excuse when it comes to disclosure of confidential educational records.

UNAUTHORIZED disclosure of confidential records or information contained therein will subject an employee to disciplinary action.