



FERPA: Safeguarding Student Privacy

Everett School District

March 21, 2014

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FERPA

What does it stand for?

Family Educational Rights and Privacy Act

- ❖ Federal law
- ❖ Parents have right to inspect education records
- ❖ Parents can request that student education records be corrected if inaccurate
- ❖ Parents must grant permission for most others to have access to their child's education records

Parent Inspection

Who is a parent?

“Parent” is “a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian”

Child custody is irrelevant unless there is a court order that specifically revokes FERPA rights

Disclosure of Education Records

- ❖ General rule:

School may not disclose education records without a signed and dated parental consent

- ❖ What is an “education record”? Records that are:

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or by a party acting for the agency



SPECIFIC EXCEPTIONS

Exceptions!

- (1) Other school officials who have legitimate educational interests
- (2) Officials of another school where student seeks to enroll
- (3) OSPI or district officials
- (4) State and local authorities where specifically permitted by State statute in order to serve student whose records are released prior to adjudication

More Exceptions!!

- (5) Compliance with subpoena or judicial order;
must notify parent first
- (6) Health or safety emergency
 - (a) Necessary to protect the health or safety
of the student or other individuals
 - (b) Strictly construed
- (7) Parents of a dependent student, and
- (8) Directory information

Subpoenas

- ❖ Parental consent not needed
- ❖ Notify the parent so parent can object
- ❖ Forward to the principal
- ❖ Records not redacted

Public Records Act Request

- ❖ Request will refer to the Public Records Act or RCW 42.56
- ❖ Five-day response time
- ❖ Refer immediately to Jennifer Farmer, Director of Business Services

Directory Information

- ❖ Varies from school district to school district
- ❖ School district defines “directory information”
- ❖ Can be released without parental consent
- ❖ Everett Public Schools narrow definition does not include:
 - ❖ Address
 - ❖ Phone number
 - ❖ Photograph

Directory Information

Everett Public Schools definition:

“Name, grade level, dates of enrollment, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, schools attended in the district, work created by the student for school-related publications and purposes; and/or photographs of students for school-related publications or purposes.”

Parent Opt Out

- ❖ Parents may opt out of the release of directory information
- ❖ Means no information (or only certain specified information) may be released without their consent

Importance of Compliance

- ❖ Enforced by U.S. Department of Education
- ❖ No private right of action
- ❖ Individual employees may be liable for negligence

Social Media



School Publications

- ❖ Social media
- ❖ Newsletters
- ❖ Websites
- ❖ How does FERPA apply?

Whose Publication Is It?

School/District

Photos and artwork may be used without permission (unless parent opted out)

PTSA, Foundation, Booster Club

Photos and artwork may not be used without permission

School Website or Facebook Page

If principal starts a school Facebook page, what can be shared on it?

- ❖ Student pictures?
- ❖ Can the pictures include a first name?
- ❖ Can only a first name be shared?
- ❖ Can we add a video to Facebook that includes students?

PTSA Website or Facebook Page

If PTSA starts a Facebook page, what can be shared on it?

- ❖ Student pictures?
- ❖ Can the pictures include a first name?
- ❖ Can only a first name be shared?
- ❖ Can we add a video to Facebook that includes students?

Make clear who is responsible for site!

Access to Student Information by School Support Organizations

- ❖ Policy and Procedure 4210 and 4210P
- ❖ Includes: PTSA, PTO, Booster Clubs
- ❖ No special access to parent contact information, etc.
- ❖ Do have access to directory information like all others

Questions?

