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WELCOME!

Welcome to the Hard Hat Training Series by Safety Provisions! Today, we'll be discussing confidentiality of student information under FERPA.

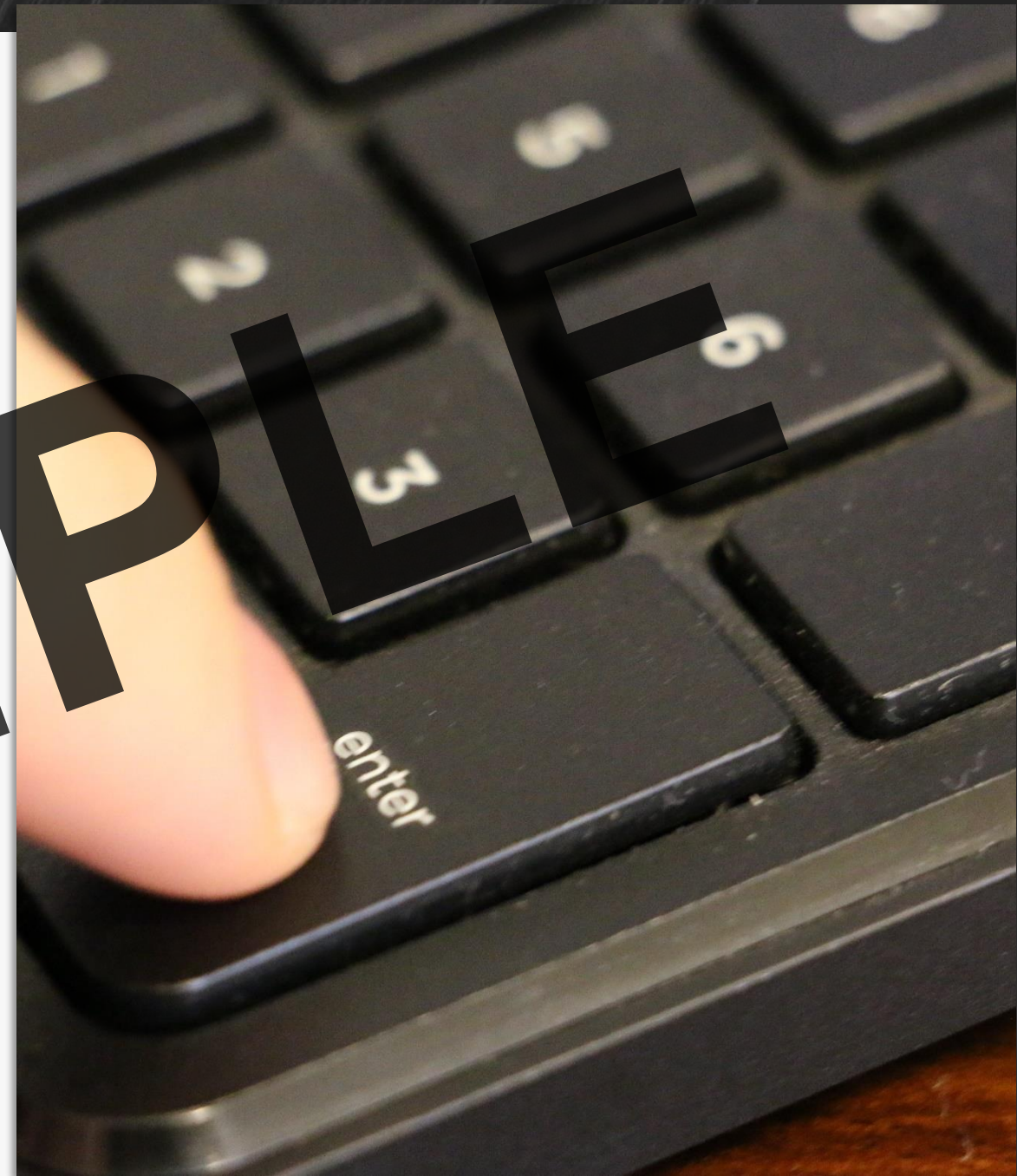
Just last year, the FBI sent a special notification to U.S. colleges and universities that someone was selling faculty, staff, and student usernames and passwords online. The exposure of this information may still lead to online attacks against individuals or schools.

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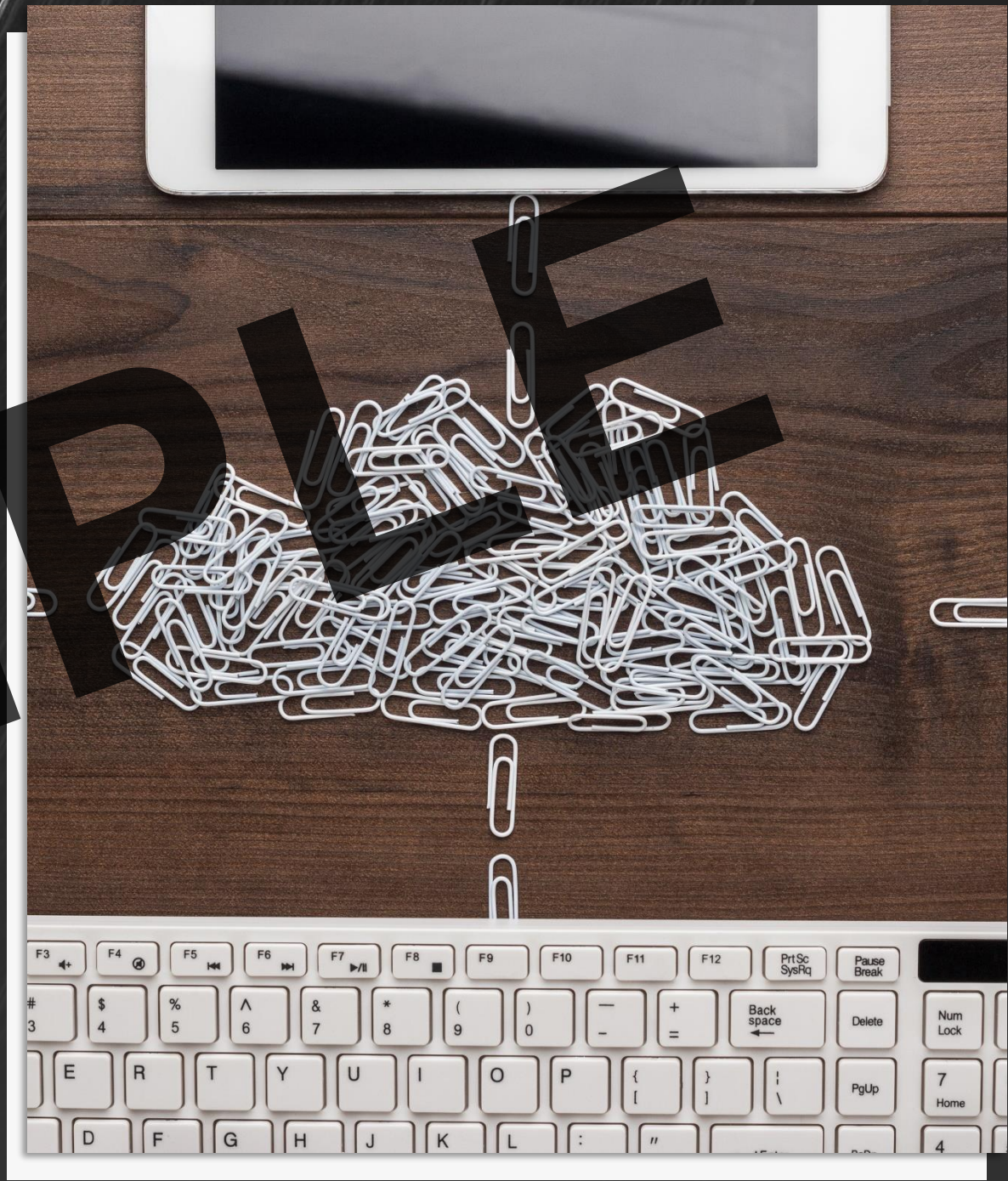
During the COVID-19 pandemic, ransomware attacks on K-12 schools affected up to 1,196,000 students each year. Last year alone, at least 44 universities and 45 school districts in the United States are known to have suffered attacks. More attacks likely went unreported.

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Ransomware is only one way in which malicious people can misuse education records and student information. Even before cyberattacks were possible, the U.S. government established the Family Education Rights and Privacy Act of 1974 (FERPA) to keep students safe.

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This course gives administrators an understanding of FERPA that can help keep everyone safe from malicious use of education records. We begin with the scope and purpose of the law, and then the nuances of institutional access to records. Finally, we describe the requirements of personal access and consequences of misuse.

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STANDARDS

These are some of the main standards concerning today's topic. Many states or provinces have additional standards, as do some industries. We have provided these as a guide, but it's your responsibility to know all federal, local, and company rules that apply to your responsibilities.

34 CFR 99 – Family Educational Rights and Privacy

This section of the CFR includes all the major moves and details of the Family Educational Rights and Privacy Act. It includes information on the rights and responsibilities for students, parents, teachers, administrators, and other education-related roles.

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Training is **NOT** just a one-and-done occurrence; it is **ON-GOING**. In fact, training should take place whenever there is a demonstrated need for it.

The extent of training will be determined by the employer, but at the very least it should include **CLASSROOM INSTRUCTION** followed by a **WRITTEN AND PRACTICAL EXAMINATION** that prove continued competency.



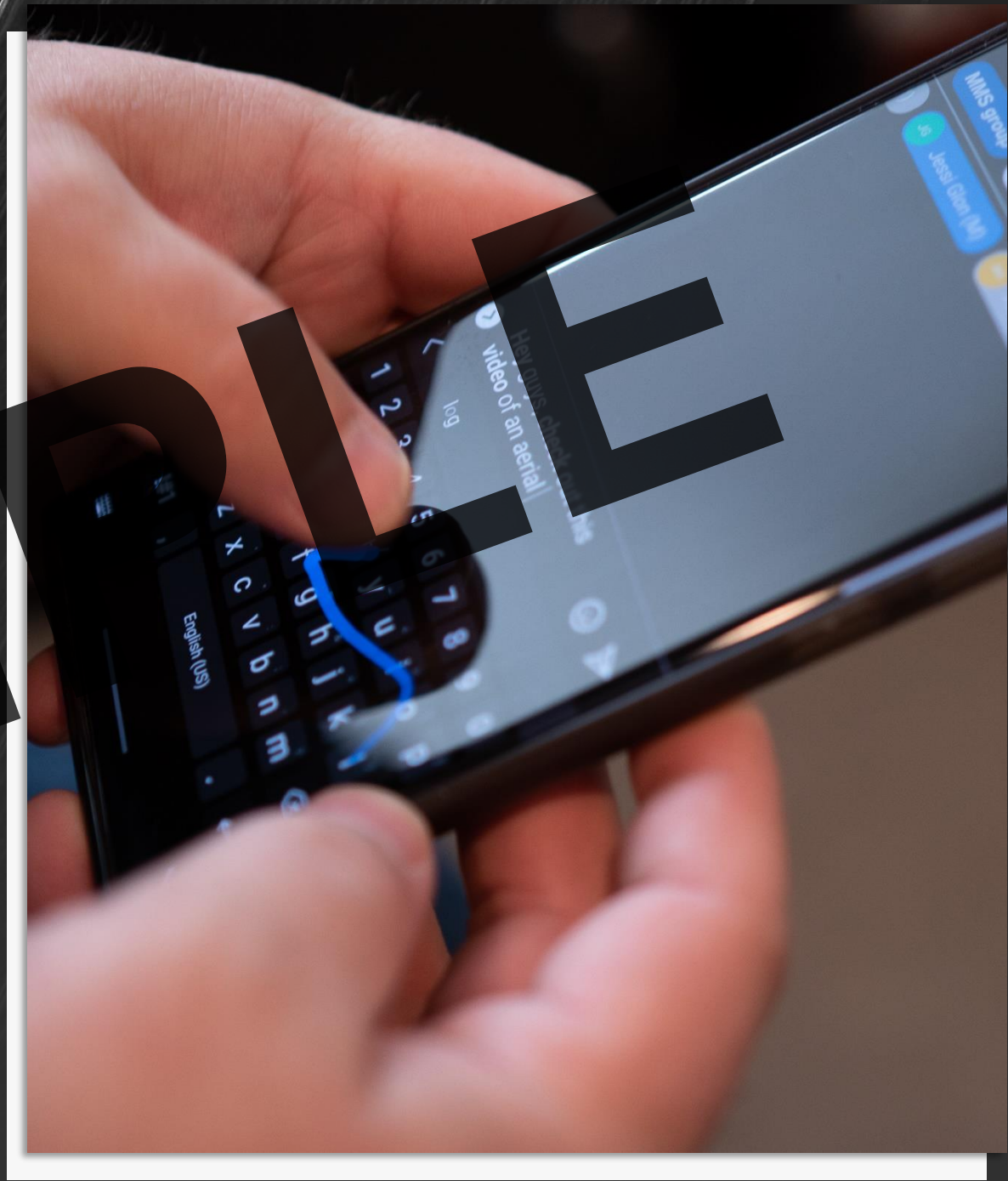


Purpose & Scope



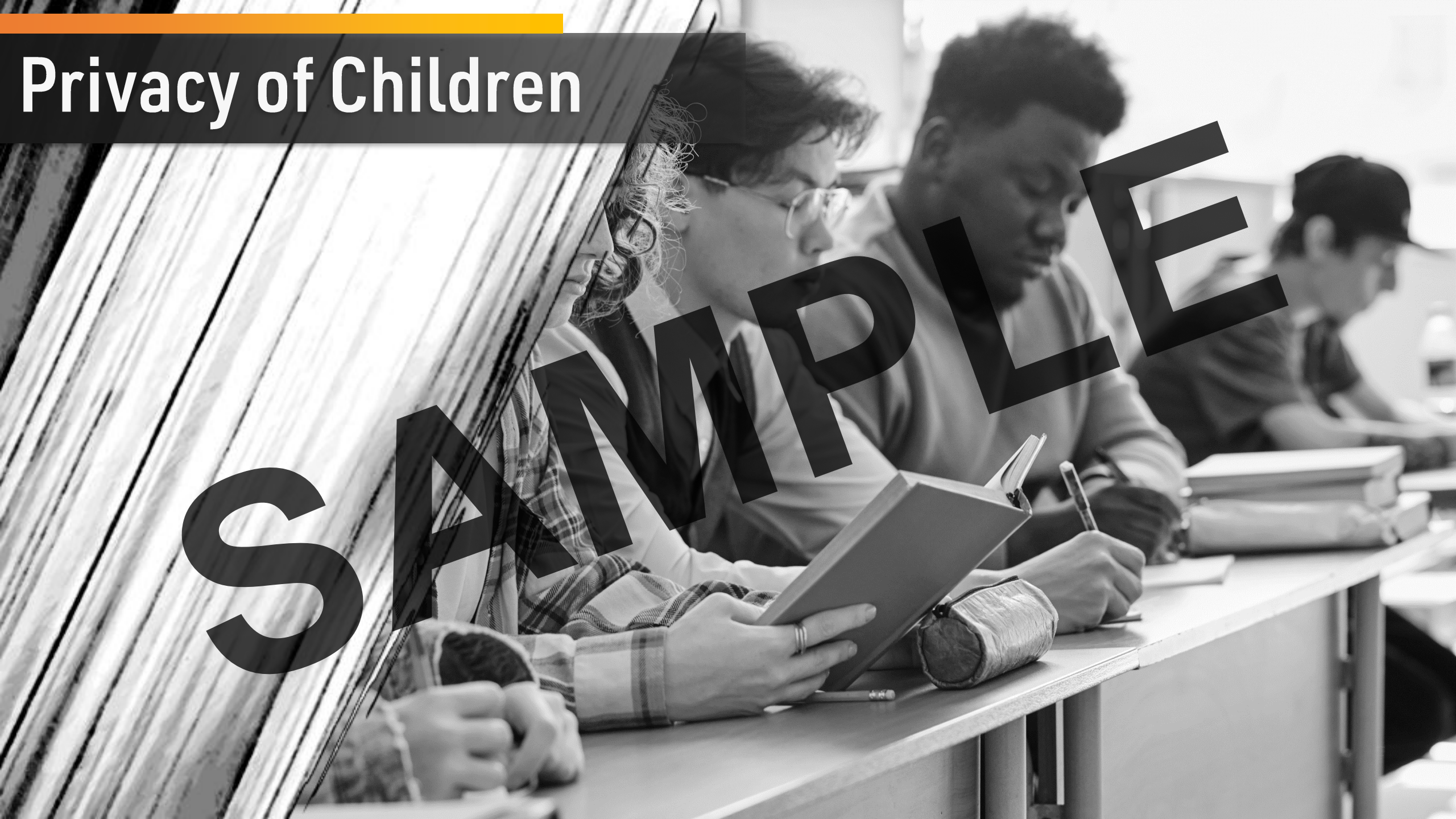
FERPA's purpose has expanded in the last five decades, but newer needs have restricted its scope as well. We will help you understand the spirit of these regulations by sharing some pieces of the Act's history.

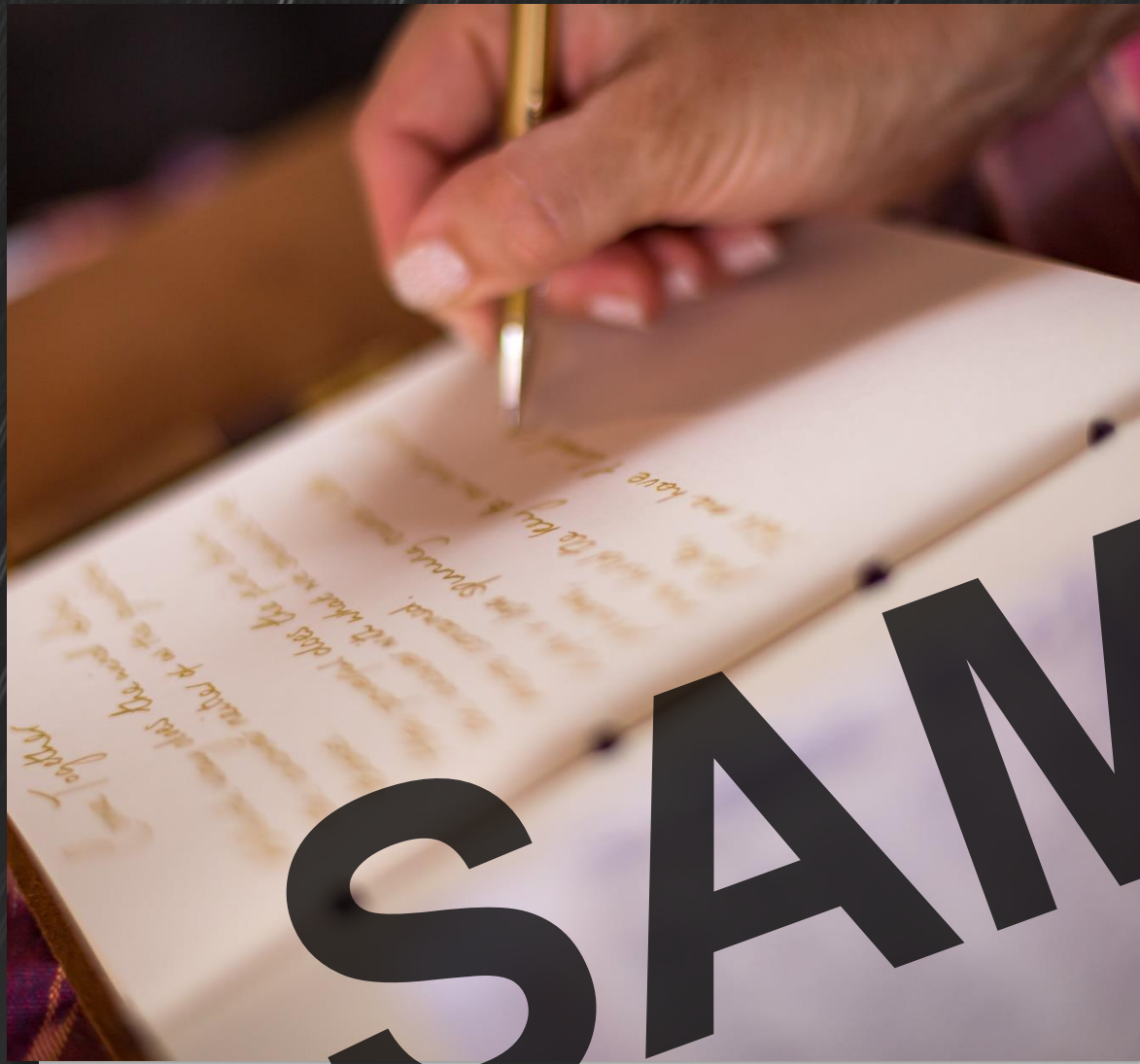
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Privacy of Children

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A black and white photograph of a classroom scene. Several students are seated at long wooden desks, focused on their work. In the foreground, a student with glasses and a plaid shirt is looking down at an open book. Next to them, another student is writing in a notebook. A pencil case and a pen are on the desk. In the background, other students are visible, some looking at books. The image has a diagonal line running from the bottom left towards the top right, and a large, bold, black 'SAMPLE' watermark is overlaid across the center.



When justifying creating FERPA, Senator Buckley said his inspiration was stories of gossip typically found in student records through the 19th and 20th centuries. FERPA was written to allow parents to protect their children by cleaning out the errors, rumors, and libel that could harm the students' futures.



Education has changed since 1974, and the purpose of the legislation has also shifted. Politicians have added new major provisions to the law. For example, while FERPA's founding cause was to restrict government power over individuals, the 2001 PATRIOT Act removed all of FERPA's protective powers when it involves terrorism.

In 2008, FERPA included provisions to protect biometric information, and the 2010 amendments allow the government to monitor school nutrition programs. As we face pandemics and other emergencies, the Act, as FERPA frequently refers to itself, continues to require reinterpretation and revision.



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In this decade, FERPA continues to protect children by allowing parents access to records and giving them the power to try to change information that might prejudice teachers and funnel children into the wrong program. Additionally, the Act protects education records from exploitation in a more dangerous, digital world.

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Education Records

The exact definition under FERPA of “education records” has been rewritten and amended several times since 1974. It refers simply to information connected to a student’s identity (name or ID) and kept by a school or any organization on behalf of the school.

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FOR EXAMPLE

Records may include handwriting, printed documents, computer files, video or audio recordings, and any type of archival film.





The Supreme Court has joined in arguments about which documents are not education records. Three exceptions are most relevant to administrators. Records made and kept by law enforcement units are not education records, and, only for eligible students, neither are records made and kept by medical and mental health professionals.



DEFINITION

“Eligible students” are students who have either turned 18 or are attending college or trade school, whichever comes first.

Personally Identifiable Information

FERPA focuses primarily on protecting what it calls “personally identifiable information” (PII). Generally, education records are only dangerous when malicious people can connect the information in them to specific students. If all PII has been thoroughly redacted from a record, FERPA no longer applies.



PII is any information that (alone or combined) allows any reasonable person to identify which student it belongs to. It may include a name, the name of a family member, their physical address, Social Security number, student identification number, biometric record, birthdate, birthplace, or mother's maiden name.

Name:
Address:
State:
Home phone num
Operations

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TAKE NOTE

Additionally, PII also includes any information requested by a person that you have good reason to believe already knows who the student is.



Affected Institutions

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If your institution teaches students or directs and controls K-12 and postsecondary schools, and if the Secretary of Education has made funds available to your institution, then FERPA applies to you. These stipulations also apply if your students receive funds in order to pay tuition or fees to you.

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FOR EXAMPLE

Some sources of Department of Education funds are grants, cooperative agreements, contracts, subgrants, or subcontracts. Examples of funds provided to students, who then use them to pay the university, are Pell grants or funds through the Guaranteed Student Loan Program.



FERPA applies to your whole organization if any part of your institution benefits from Department of Education funds, either directly or through students. The regulations do not apply if the students at your school receive something other than money.

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Required Information

If FERPA applies to your institution, then your institution is also responsible to the office of the Secretary of Education. Any third party you might disclose PII to without written parental consent is also equally responsible. The Office of the Chief Privacy Officer, U.S. Department of Education (the Office) may ask for reports.



The Office may ask you and the recipients of your information for written documentation of your policies and procedures, annual notifications to parents of their rights under FERPA, training materials, or other information the Office needs to enforce FERPA.

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CASE STUDY

To Consider...

Jane was a high school office administrator working with a data analysis company to gather information through surveys. Students weren't required to give their names and contact information on the surveys, but they could, and some of them did. When the results came back, Jane immediately posted them on the school's network for other administrators to see and use. Unfortunately, because of the way the network was configured, that same information became available to students through a student portal.

What is the issue?

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Jane's highest priority should be protecting student privacy. She should remove the information as soon as she can and assess whether it contains PII. If it does, she needs a safer way to get the data to the people who need it. Best practice is to handle student data carefully and try to control who sees it.



TAKE NOTE

FERPA does not require that you report any data breaches, either intentional or accidental, but your state may have laws that do require you to notify the students or parents.

Institutional Access

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