

## \*Nest Virginia EDUCATION

## Introduction

- Financial staff may have need to access student records on occasion
- Safeguarding information is a must
- Purpose today:
  - Discuss responsibilities to protect student privacy

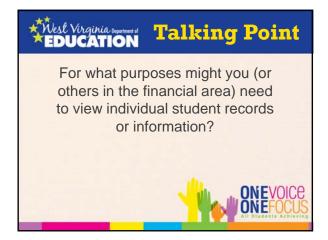


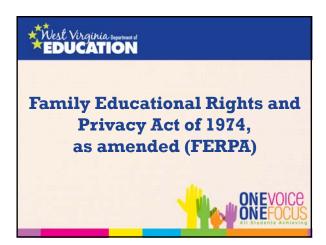
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## **Objectives**

- 1. Review FERPA guidelines and state privacy regulations
- 2. Review responsibilities for protecting student information
- 3. Discuss best practices for protecting information and respecting privacy

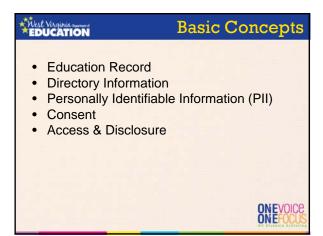
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# Federal law governing access to and release of information in education records Foundation of state and local policies and practices Applies to all schools that receive funds under applicable programs of the USED







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## **Directory Information**

- Information that would not generally be considered harmful or an invasion of privacy if disclosed
- Directory information is NOT
  - Social Security Number
  - Student ID (WVEIS Number)
  - Other ID Numbers (e.g., Medicaid)
- · Parents and students may opt out



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## **Directory Information**

- 1. Student's name
- 2. Address
- 3. Telephone listing
- 4. Email address
- 5. Photograph
- 6. Date and place of birth
- 7. Major field of study
- 8. Grade level
- 9. Dates of attendance (for school and athletics)
- 10. Weight and height of athletic team members
- 11. Degrees and awards received
- Most recent previous educational agency or institution attended



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## **Talking Point**

Why might opting out of sharing directory information be a good thing?

What might be some unintended consequences of sharing or not sharing directory information?



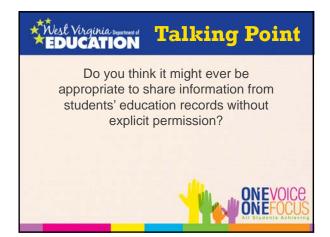
# Personally Identifiable Information (PII) Student's name, parent or family member names, student's address, or other information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty Indirect identifiers such as date and place of birth and mother's maiden name Personally Identifiable Information – Further Defined Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable accuracy

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## Consent

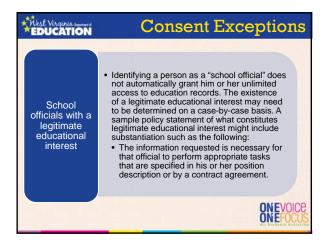
- Generally speaking, student information cannot be released without parent/student consent
  - Permission from parent (or eligible student) to release information to a certain entity and/or for a specific purpose
- Directory information is a special case
- However . . .

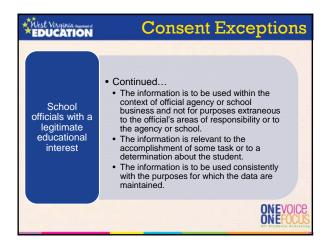
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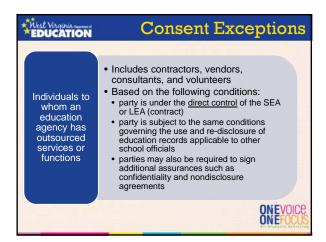


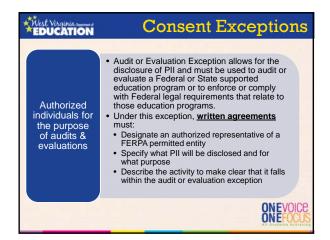
# Several exceptions exist: School Officials\* Studies Audits & Evaluations\* Judicial Orders/Subpoenas Health & Safety Emergencies ONEYOGE ONEYOT O

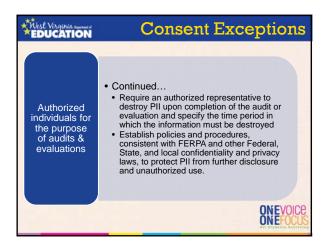
# School officials with a legitimate educational interest \*\*Operational interest\*\* \*\*Operational



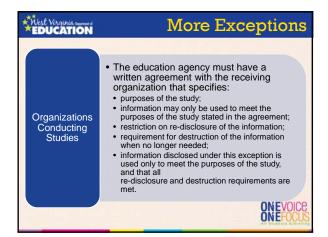


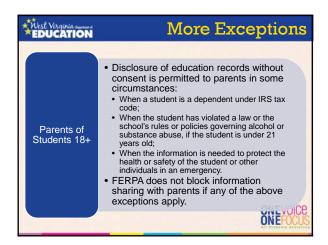


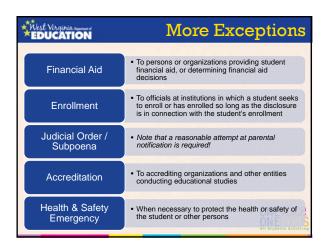


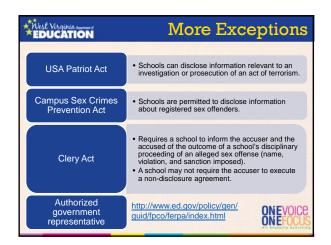












WVDE Data Governance Team

# Parent Access - Right to "inspect and review" - Right to request corrections - Provide records within 45 days - WVDE requires response in 30 days or less - May charge "reasonable fee" for copies - Eligible Student Access - Rights transfer to students at age 18 - School Officials and Others - Per the exceptions . . .

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## Reasonable Methods

- Regulations require "reasonable methods" to ensure access is given to only those education records in which the official has a legitimate educational interest.
- · Reasonable methods include:
  - Physical controls (locked filing cabinets)
  - Technological controls (role-based access)
  - Administrative policies (must ensure compliance)



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## Records of Disclosures

- LEAs must keep records (including names and reasons) when student data is disclosed:
  - Without written consent (as in any of the exception situation)
  - To the parent of an "eligible" student
  - In response to a lawfully issued court order or subpoena
  - For external research purposes where individuals are identified
  - In response to an emergency

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## \*\*Wist Virginia What Can't Be Released

- Individual student data can never be publicly published or released.
- Aggregated data can be released, but only if the group size is large enough (>10) to protect the privacy of individual members of the group.
- When the identity of an individual student could be inferred through reasonable methods, treat that report as confidential.

The summary reports to which you have access may contain small group sizes, and should therefore be treated as confidential.

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## **State Regulations**

- WVBE Policy 4350
  - Other policies also have privacy provisions
- Student Data Accessibility, Transparency and Accountability Act (WV State Code §18-2-5h)
- WVDE Data Access & Management Guidance

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- · U.S. Department of Education
  - Phone: (202) 260-3887
  - Fax: (202) 260-9001
  - Email: FERPA@ed.gov
  - www.ed.gov/fpco
  - FERPA Final Regulations
  - Revised Regulation Overviews for LEAs, Parents, Students
  - FAQs
- Privacy Technical Assistance Center
  - www.ptac.ed.gov
  - Webinars, Publications, Case Studies
  - FERPA 101 Webinar Recording and Transcript

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## Responsibilities

- Respect students by protecting their privacy and respect their confidentiality.
- Comply with federal, state, and district regulations that protect student privacy.
- Use student information only for legitimate and necessary purposes.
- Use appropriate precautions and practices to secure student information.



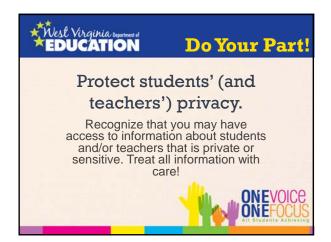
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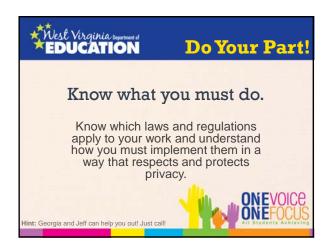
## Consequences of Breaches

- Exposes you, your school, and your district to potential criminal and civil liability, and loss of federal funds
- May result in prohibition from PII for at least five years
- May put teacher licensure at risk for egregious or repeated violations
- · Could result in harm to the student

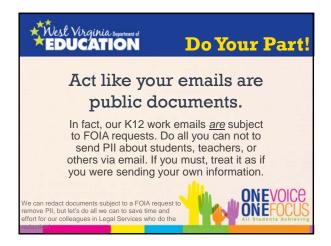


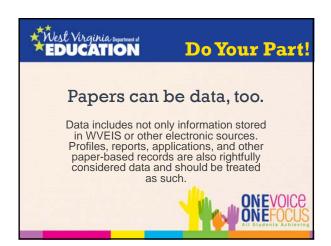














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