

Student Privacy Laws

Teachers and schools have an obligation to protect students' privacy. FERPA and other laws dictate how students' privacy should be protected. FERPA gives parents and eligible students the right to inspect and correct errors in a student's educational records held by a school, and it prohibits the release of students' educational records to others without consent. Students' personally identifiable information may not be released without consent except for so-called directory information. Teachers can ensure that students' records are kept confidential by implementing appropriate grading and classroom practices that protect students' privacy.

1. What are the challenges associated with adhering to federal and state laws that protect students' privacy?
2. What requirements do FERPA and other privacy-related laws place on teachers and schools to protect student privacy?
3. What practices should I implement to ensure that I am adhering to the requirements of FERPA and other privacy-related laws?



to Consider

Teachers and schools have an obligation to protect students' privacy. A number of federal and state laws address student privacy including FERPA - the Family Educational Rights and Privacy Act, which outlines parent and student rights with respect to a student's educational records and the information that schools may and may not release to others; IDEA, the Individuals with Disabilities Act, which protects the privacy of students receiving special education services; PPRRA, the Protection of Pupil Rights Amendment, which requires consent for minor children to share certain sensitive information via surveys or evaluations; CIPA, the Children's Internet Protection Act, which requires schools to implement Internet safety policies to protect minors; and COPPA, the Children's Online Privacy Protection Act, which requires website operators to seek parental consent to collect personal information from children under the age of 13.

FERPA, the key federal student privacy law, specifies that parents or eligible students have the right to inspect a student's educational records maintained by the school and to request that the school correct any inaccuracies in the record. For students under the age of 18, the parents or guardians have this right, but when a student turns 18 the right transfers to the student. Under FERPA, educational records include all of the information maintained by the school about an individual student. Individual records about an individual student made by a teacher but not shared with others are not considered part of the education record and so are not covered by FERPA.

A student's education records include personally identifiable information (PII), which is information that can be used to identify an individual student directly (e.g., student's name or ID number) or indirectly (e.g., student's date of birth, family members, home address). Educational records are confidential and may not be shared with others without the written consent of a parent/guardian or eligible student. Exceptions to this rule allow for sharing information with other school officials who have a legitimate educational interest, accrediting organizations, to comply with a judicial order or subpoena, or in a health or safety emergency. Schools may disclose, without consent, what is called directory information. Directory information is personal information that generally is not considered to be harmful or an invasion of privacy (e.g., student's name, address, dates of attendance, awards, sports participation). Schools must disclose what they consider to be directory information and give parents or eligible students the option to restrict the disclosure of this information.

As an individual teacher, never disclose non-directory information about students to others without written parent or guardian consent, or the student's consent if the student is 18 or older. If guardianship is unclear, have your school administration contact the Indiana Department of Child Services to determine how to proceed. Do not share student information, including photos and examples of work, online without first getting permission from a parent/guardian or eligible student. Ensure that student records are protected and kept private at all times. Never post grades publicly even using some sort of identifier number. Do not return graded work to students in a way that would let other students see the grades. Use your school's official gradebook software or LMS to post students' scores and grades. Do not send grade information through email, which is not secure. Make sure any technology you use is secure, and if you plan to look at non-directory information on your device make sure the screen is positioned so that students cannot see it. Protecting student privacy is every teacher's responsibility, but with some precautions and common sense you can do your part to keep students' information safe.

KEY Elements