

Confidential Information / FERPA

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to "school officials with legitimate educational interest" (34 CFR § 99.31). Generally, this refers to individuals in the school district who need to know information in the student's education record in order to perform their professional responsibility. The question to consider is; "Does the teacher or staff member have a legitimate educational interest in the information?" If the teacher or staff member does not teach the student, there is no "legitimate educational interest" and that individual should not have access to student information.

Staff members without a "legitimate educational interest" should not be present during parent conferences, student conferences, or have access to student grades or records if they do not teach the student.

Verbally sharing information without written parental consent is a violation of FERPA. Digitally sharing student information by including or referencing it in a text, e-mail, or posting to social networking sites (Facebook, Twitter, etc.) is a violation of FERPA. Even if you do not name the student, if the student can be identified by what you say it is a violation of FERPA. For example, if you reference a child in your class or another teacher's class and everyone knows that there is only one child in class that the information applies to, you've given out enough information to make that personally identifiable and it is a violation of FERPA.

I encourage you to give care to what you say, type, or post and with whom you share information. The Georgia Code of Ethics, Standard 7, states: "An educator shall comply with state and federal laws and state school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes but is not limited to: 1. sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law; 2. sharing of confidential information restricted by state or federal law; 3. violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or state directions for the use of tests or test items, etc.; and 4. violation of other confidentiality agreements required by state or local policy.

Violation of the Code of Ethics can jeopardize your certification and can be grounds for disciplinary measures.
BE CAREFUL!