

WAPPINGERS CENTRAL SCHOOL DISTRICT

EMPLOYEE FERPA RESPONSIBILITIES

- As a general rule, you may not disclose personally identifiable student information to anyone except District staff and faculty who have a “legitimate educational interest” in being made aware of the information; that is, they need the information to carry out their duties (e.g., implementing an IEP or 504 Plan).
- A student’s educational records include records directly related to a student and maintained by the school (e.g., permanent record cards, disciplinary records, grades, IEP’s, 504 Plans).
- You may not access a student’s educational records for personal reasons.
- Even an inadvertent disclosure of a student’s educational records can cause a violation of FERPA.
- Make sure that student information in your work space or area is secure.
- Do not discuss student information in a public setting or shared office space.
- Student information stored in an electronic format must be secure and available only to those entitled to access that information.
- Student records may be subject to disclosure without prior consent of a parent or student pursuant to a court order or a lawfully issued subpoena.
- However, a letter from an attorney requesting a student’s educational records does not automatically make the records subject to disclosure. You should consult with your supervisor (who in turn may consult with the school attorney) before disclosing a student’s education records in response to a request from an attorney.
- In the case of divorced or separated parents, a student’s education records are presumptively subject to disclosure or inspection by both parents, unless a custody decree or court order is in effect which prevents parents from obtaining access to their child’s educational records.
- In the event of an emergency (such as a medical emergency) or if there is an “articulable and significant threat” that may be addressed by the limited release of student information to appropriate officials, in order to protect the health and safety of the student, or other persons, such information can be disclosed without prior consent of the parent or eligible student.
- If you are in doubt about either the confidentiality of any record or the legality of disclosing information (including to other personnel within the school), you should consult with your supervisor (who in turn may consult with the school attorney) before disclosing any student or employee information.

The Family Educational Rights and Privacy Act of 1974 (FERPA)

- FERPA protects the confidentiality of a student's education records.
- FERPA gives parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to consent to the disclosure of personally identifiable information from education records.
- FERPA defines "education records" to mean those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for agency or institution.
- Education records include any record maintained by the educational agency or institution which contains personally identifiable information of a student.
- FERPA applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.
- Failure to comply with FERPA could result in the withholding of funds administered by the Secretary of Education.
- For additional information about FERPA, visit the Family Compliance Office of the Department of Education website: <http://www2.ed.gov/policy/gen/guid/fpc/index.html>.