

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Educational institutions, which receive federal funds administered by the U.S. Department of Education (virtually every public school in South Dakota), must maintain records in a manner that is consistent with the regulations outlined in the Family Educational Rights and Privacy Act (FERPA).

Full text of the act is available in the Federal Register, Monday, April 11, 1988, pp. 11943-11958. A local library should be able to provide a copy through a request to the State Library in Pierre.

In brief, FERPA requires schools to provide parents and eligible students access to records directly related to the students; to permit parents and eligible students to challenge those records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights; to obtain the written consent of parents and eligible students before releasing personally identifiable information about the students contained in education records to other than organizations or individuals described in statutory exceptions; and to notify parents and eligible students of these rights.

The restrictions may not apply to "directory information: about students in some cases. According to the federal definition, "directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, data and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

The "personally identifiable information" which the Act protects includes, but is not limited to, test scores and grades identified with student's name, the names of the student's parents or other family members, personal identifiers such as social security number or student number, personal characteristics that would make the student's identity easily traceable, or other information that would make the student's identity easily traceable.

The school may disclose (or report) personally identifiable information to other school officials, including teachers, if there is legitimate educational interest in the information, state educational authorities, and many other parties who meet conditions outlined in FERPA. Thus, it is not inappropriate for the state agency to ask for certain student information on an annual basis.

It is also possible for a school to obtain written consent of the parent to disclose information. The written consent form must meet several criteria, also outlined in FERPA.