

HANDLING



RECORDS



Presented by Levette Williams



Understanding Data Privacy, Accessibility, and Transparency

Federal and State Laws

- **FERPA** –Family Education Rights and Privacy Act
- **PPRA** – Protection of Pupil Rights
- **Healthy, Hunger-Free Kids Act of 2010**
- **Uninterrupted Scholar’s Act of 2014**
- **State Law - H.B 89**

Healthy, Hunger-Free Kids Act of 2010

- Amended FERPA to permit educational agencies and institutions to disclose PII from students' education records to the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.

Uninterrupted Scholars Act of 2013

- Amended FERPA to permit educational agencies and institutions to disclose personally identifiable information from education records of a student in foster care placement to an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student.

Protection of Pupil Rights Amendment

- *It governs the administration to elementary and secondary school students of a survey, analysis, or evaluation that concerns one or more of the following eight protected areas:*
 - 1. political affiliations or beliefs of the student or the student's parent;
 - 2. mental or psychological problems of the student or the student's family;
 - 3. sex behavior or attitudes;
 - 4. illegal, anti-social, self-incriminating, or demeaning behavior;
 - 5. critical appraisals of other individuals with whom respondents have close family relationships;
 - 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 - 7. religious practices, affiliations, or beliefs of the student or student's parent; or
 - 8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

FERPA – Family Educational Rights and Privacy

- FERPA is a Federal law that is administered by the Family Policy Compliance Office (Office) in the U.S. Department of Education (Department).
- FERPA applies to all educational agencies and institutions (e.g., schools) that receive funding under any program administered by the Department.
- Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student.

FERPA
Family Educational
Rights and Privacy Act



FERPA - Parental Rights

1. The right to inspect and review the student's education records within 45 days after the day the ("School") receives a request for access.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA

Data Disclosure without Parental Approval

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities,
- In connection with financial aid for which the student has applied or which the student has received
- To State and local officials or authorities to whom information is specifically allowed to be reported

FERPA

Data Disclosure without Parental Approval

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))

Directory Information

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent.

- **Student Name**
- **Photograph**
- **Grade Level**
- **Telephone Number**
- **Dates of Attendance**
- **Email Address**
- **Address**
- **Weight and Height of students on athletic teams**
- **Degrees, honors, and awards received**
- **Date and place of birth**
- **Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)**

Directory Information

- The primary purpose of directory information is to allow the school to include this type of information from your child's education records in certain school publications. Examples include:
 - A playbill, showing your student's role in a drama production;
 - The annual yearbook;
 - Honor roll or other recognition lists;
 - Graduation programs; and
 - Sports activity sheets, such as for wrestling, showing weight and height of team members.

State Law 20-2-667

GaDOE's responsibility to districts

20-2-667.

The department shall develop model policies for local boards of education that:

- (1) Support local boards of education in fulfilling their responsibility to annually notify parents of their right to request student information;
 - (2) Assist local boards of education with ensuring security when providing student data to parents;
 - (3) Provide guidance and best practices to local boards of education in order to ensure that local boards of education provide student data only to authorized individuals;
 - (4) Support local boards of education in their responsibility to produce education records and student data included in such education records to parents and eligible students, ideally within three business days of the request; and
 - (5) Assist schools and local boards of education with implementing technologies and programs that allow a parent to view online, download, and transmit data specific to his or her child's education record.
- (g)(1) The department shall develop model policies and procedures for a parent or eligible student to file a complaint with a local school system regarding a possible violation of rights under this article or under other federal or state student data privacy and security laws which shall ensure that:(A) Each local school system designates at least one individual with responsibility to address complaints filed by parents or eligible students;(B) A written response is provided to the parent's or student's complaint; (C) An appeal may be filed with the local school superintendent; and (D) An appeal for a final decision may be made to the local board of education.

Using Online Educational Services

- ***Model Terms of Service***
 - Evaluating Terms of Service Agreements to ensure that the app or program will handle data in a safe and secure manner.
 - Warning signs and potential illegal practices to look out for when using these applications.
 - Recommendations and best practices for what you or your organization can do to protect yourself and your data.
- **Q. I want to use online tool or application as part of my course. However, I am worried that it is a violation of FERPA. What should I do?**
- **A.** A teacher should check with their school administration to see what has been defined as directory information. As long as using the application would not require disclosing more than directory information and none of the students have opted out of directory information, it would not be a violation of FERPA

Transparency

- Use proactive approach
 - What student information do you collect
 - Why do you collect this information
 - How will this information be used
 - To whom will this information be disclosed
- Open communication will provide a greater understanding and will help alleviate confusion and misunderstandings about the use of student data.

Data Security – Be Intentional

- **Keep passwords strictly confidential. Do not share them with others**
- **Change passwords frequently: every 30-60 days**
- **Hold all conversations regarding confidential information in nonpublic areas**
- **Institute confidentiality agreements with vendors, employees, and service providers**
- **Develop and disseminate written security practices**
- **Provide ongoing training regarding confidentiality issues and the sensitivity of data**
- **Make sure that wireless networks are secure**
- **Establish an audit-trail mechanism for identifying users who enter or change critical data**
- **Update anti-virus and anti-spyware software frequently**
- **When recycling computers, pull or reformat hard drives**
- **Implement an authentication system for logging onto computers and into computer networks**
- **Establish plans for reacting to data security breaches**

Data Access

Determine who will have access at the beginning

- **Legitimate educational interest**
 - **School-level staff should only see school-level data**

Incorporate Certificate of Non-Disclosure in HR package

Provide training –

[Free Course- FERPA 101: For Local Education Agencies](#)

[FERPA for School Officials Website](#)

Data Ethics – *Doing what is right*

Data Handlers defined:

Anyone involved in the education organization who has access to education data or who contributes to the collection, management, use, or reporting of education data

Factors contributing to data ethics:

- *Data Integrity* -
 - Demonstrate honesty, integrity, and professionalism at all times.
 - Be aware of applicable statutes and regulations.
 - FERPA
 - HIPPA
 - IDEA
 - State Law
- *Data Quality* -
 - Data must be accurate, valid, reliable and timely.
- *Data Security* -
 - Safeguard sensitive data to guarantee privacy and confidentiality.

[Free online Data Ethics Class available](#)

Records Retention

http://georgiaarchives.org/records/retention_schedules

Government Ag...

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GEORGIA ARCHIVES
UNIVERSITY SYSTEM OF GEORGIA

Home About Us Visit Research Government Agencies Partners Caring for Records

Retention Schedules

State Agencies

- [State Government Records Retention Schedules](#) [searchable]
- [State Government Records Retention Schedules](#) (2011 edition)
- [Changes in the State Government Schedule](#) (Oct 2010)
- [State Agency Specific Schedules](#) (records not covered in the General Schedule)
- [Appoint a New Agency Records Management Officer](#) (state agency heads only)
- [University System of Georgia Retention Schedules](#)

Local Government Schedules

- [Local Government Records Retention Schedules](#) [searchable]
- [Local Government Records Retention Schedules](#) (2011 edition)
- [Judicial Branch Retention Schedules](#) [searchable]
- [Judicial Branch Retention Schedules](#) (Oct 2010)

Retention FAQs

- [I can't find the retention period for a specific record.](#)
- [What does "Retain for useful life" mean?](#)
- [What does "Vital Record" mean?](#)

CONTACT INFORMATION

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Questions?

THANK YOU