



West Virginia DEPARTMENT OF  
**EDUCATION**

# FERPA Finance: Accounting for Confidentiality

Understanding FERPA to Keep Your Students Safe

*Summer 2020*

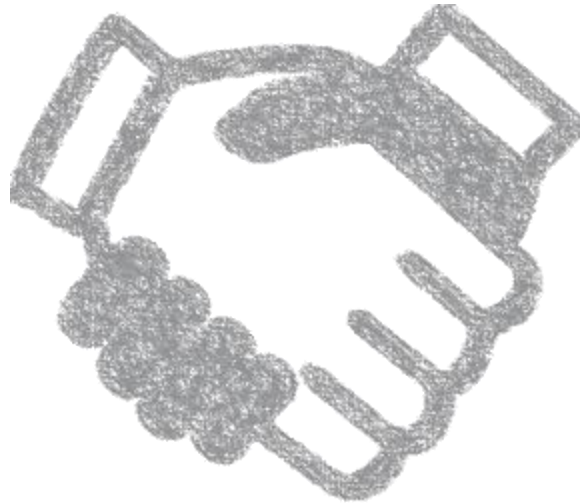
# Show what you know!

Take a moment to answer our first question about FERPA and Finance Data!

# Protect



# Respect



# Remember



# Privacy Foundations

Regulations lay the groundwork for protecting privacy

# Education Privacy Regulations

- **FERPA (Family Educational Rights and Privacy Act)**
- Student DATA Act (W. Va. Code §18-2-5h)
- WVBE Policies (Policy 4350)
- Local Policies
- Other federal & state law

# FERPA Foundations

## Common Conceptions

- FERPA is all about “no!”
- All information about students should always be strictly locked down.
- FERPA deals in absolutes.

## FERPA Facts

- FERPA is all about “it depends!”
- Some information sharing is permitted.
- You must use “reasonable methods.”

# FERPA Foundations

- Born: 1974
- Found at: 34 CFR Part 99
- Applies to: Schools accepting funds from U.S. Department of Education
- About: Privacy and confidentiality, parent and student rights, education agency roles and responsibilities



# FERPA Foundations

- Students/data must be protected.
- Parents and students have rights.
- Data decisions are local.
- Tell people what's going on.
- You need to have a need for it.
- Get permission beforehand.
- Share with care.





# FERPA Foundations

- Education Record
- Personally Identifiable Information (PII)
- Access and Disclosure
- Consent
- Directory Information



# FERPA Foundations: Education Record

- Directly related to specific student
- Maintained by education agency (or agents)
- Any format
- Excludes “sole possession” notes, peer-graded papers



# FERPA Foundations:

## Personally Identifiable Information

- Any information that can identify an individual
- Single details
- Combination of details
- “Regular” PII vs. Sensitive PII



# FERPA Foundations: Access & Disclosure

- Access: to actively view or retrieve information
- Disclose: to permit access to/release of information
- End Result: PII from education records is shared
- Authorized or Unauthorized
- “Legitimate educational interest”



# FERPA Foundations: Consent

- Permission to disclose information
- Must be specific
- Must be written
- Generally required



# Advanced FERPA: Exceptions!

- Directory Information
- **School Officials**
- **Outsourced Services and Functions**
- Enrollment and Transfer
- Research Studies
- **Audits and Evaluations**
- Health and Safety Emergencies
- Judicial Order/Subpoena
- Parents of 18 year-olds\*
- ...and more!

# FERPA Foundations: Directory Information

- PII from education records
- Not harmful, invasive if disclosed
- Partially defined by Student DATA Act\* in WV
- Opt-out is possible

\* Student Data Accessibility, Transparency, and Accountability Act  
(Student DATA Act), W. Va. Code §18-2-5h



# Show what you know!

Take a moment to answer our second question about FERPA in the world of School Finance!



# FERPA is for Finance, too!

FERPA's privacy provisions are not just for grades and test scores. They may apply to school finance data, too!

# Finance Data meets FERPA

- Some reports do not contain student PII
  - Aggregate revenue or expense reports
  - Other types of summary reports
- Reviews before public release may help to double-check for any potentially identifying information

# Finance Data meets FERPA

- Some reports may contain data identifying students but can be shared in limited, specific ways
  - Reports prepared for internal/deliberative use or for school officials only
  - Files prepared for specific kinds of audits
- Consider marking report clearly as confidential or “internal & deliberative”

# Finance Data meets FERPA

- Some reports may contain data identifying students and must be redacted
  - Data files prepared for third party reporting (e.g., finance transparency sites)
  - Detailed expenditure reports or reports of specific vendor payments that may be made public
- Files must be reviewed and redacted prior to disclosing the information

# Caring While Sharing

Different rules apply to different contexts. Education stakeholders must apply critical thinking before sharing information.

# Before Sharing, Ask Yourself...

- **Who**\_\_\_am I sharing with?
- **What**\_\_\_am I sharing?
- **Why**\_\_\_does this person want/need it?
- **When**\_\_\_can I share this information?
- **Where**\_\_\_am I going to share it?
- **How**\_\_\_am I sharing the information?

# Consequences of Breaching Confidentiality

- Loss of federal funds
- Potential criminal and civil liability
- Loss of access
- Loss of license
- Potential harm to students!

# Staying in Control

education stakeholders enact privacy protections in a number of ways—in the classroom and beyond.



# Physical Controls

- Locking drawers, cabinets, etc.
- Clear workspace
- Screen protectors
- Safe file transport
- Smart use



# Technical Controls

- Secure systems and devices
- Safe/secure storage
- User authentication
- Strong passwords
- Threat scans
- Smart use



# Administrative Controls

- Clear policies for privacy
- Regular training for staff
- Limited, role-based data access
- Access and use for official duties only
- Routine disclosure avoidance reviews of all publicly reported data/information



# Personal Controls

- Awareness
- Training
- Caution
- Notification
- Discretion
- Smart Use



# Bonus Tip! Caveat Emptor...

Products developed for school and classroom use often boast about being “FERPA Compliant.” Let’s explore that phrase...

# My filing cabinets are FERPA Compliant!



But are they really FERPA Compliant?



No! No! Maybe? It depends...





When you hear “FERPA Compliant,” remember

- Compliance is *not* about tools.
- Compliance *is* about actions.