

**From the Privacy Officer
in the Risk Management Department**

A GUIDE TO
PRIVACY AND
STUDENT RECORDS



EDUCATION RECORDS

Education records are documents our schools and work locations maintain that are directly related to a student. These documents and the information they contain are confidential and may only be disclosed with prior written consent except in limited circumstances.

Education records include (but are not limited to):



- Grades
- Grade point average (GPA)
- Student identification number
- Social Security number
- Enrollment documents
- Test results
- School health records
- Counseling records
- Exceptional Student Education (ESE) files
- Directory information

A more comprehensive list of education records may be found in Policy 5100.1, Student Records: Confidentiality and Family Educational Rights at browardschools.com/privacyinformation.

FERPA AND RELATED LAWS

The Family Educational Rights and Privacy Act (FERPA) and Florida Statutes 1002.22 and 1002.221 protect the confidentiality of education records.

FERPA RIGHTS

The primary FERPA rights for parents and students age 18 or older are:

- The right to inspect and review education records
- The right to seek to amend education records that are inaccurate, misleading, or in violation of the student's privacy rights
- The right to have limited control over the disclosure of information from education records.

DIRECTORY INFORMATION

"Directory information" (a type of education record) is personally identifiable information about a student that would not generally be considered harmful or an invasion of privacy if disclosed. Includes:



- Student's name
- Parent's name
- Residential address
- Telephone number(s)
- Date of birth
- Place of birth
- Major field of study
- Degrees and awards

A complete list may be found in the FERPA Notice in the Code of Student Conduct. Schools may disclose "directory information" for limited purposes and to limited recipients (as listed in the FERPA Notice) if the parent or eligible student (age 18 or older) has not opted out of the disclosure on the FERPA Opt Out Notification Form. Parents receive this form at the beginning of each school year in the Code of Student Conduct and must fill it out and return it to the school.

CONSENT

Consent to release education records must be in writing, and must state:

1. The types of records to be disclosed
2. The purpose of the disclosure
3. The party or parties to whom the disclosure may be made.

The Authorization for Release and/or Request for Information may be found at browardschools.com/privacyinformation.

EXCEPTIONS TO CONSENT

In limited circumstances, prior consent is not required to disclose education records. These include:

- To school officials (persons employed by the District or contracted to perform a special task that would normally be performed by SBBC personnel) who have a legitimate educational interest (need the information to fulfill their professional responsibility)
- To school officials of other institutions for transfer or enrollment purposes
- To organizations conducting studies for or on behalf of SBBC
- To parents of a dependent student
- To comply with a judicial order or lawfully issued subpoena (if advance notice is provided)
- In connection with an articulable and significant threat to the health or safety of students
- If the information is de-identified (removal of personally identifiable information).

A complete list may be found in Policy 5100.1, Student Records: Confidentiality and Family Educational Rights. Please note: additional FERPA-imposed requirements apply to some disclosures without consent, including notating the disclosure on the FERPA Disclosure Log, available at

browardschools.com/privacyinformation.

DOs

- Take inventory. Know where all student information is stored in your school or work location – file cabinets, computers, locked rooms, etc. In order to safeguard the information, you have to know where it is.
- When sharing student information with a colleague, ask yourself, (1) Is the colleague a “school official?” and (2) Does the colleague have a “legitimate educational interest” to receive the information?
- Only disclose the minimum amount of information necessary to do your job. For example, stating a student is “absent for personal reasons” is much better than disclosing the specific reason the student is absent, e.g. due to illness.
- Advise students to create strong passwords when utilizing District databases such as Pinnacle and Virtual Counselor. Advise them not to share their passwords with anyone else.
- Honor parents' and eligible students' FERPA rights, including allowing them to access requested education records in a timely manner, not to exceed 30 calendar days. The Parental Request to Access Student Records form is available at **browardschools.com/privacyinformation**.



DON'Ts

- Don't disclose information from education records without the proper consent unless there is a FERPA exception to consent for the information. Unauthorized disclosure is a violation of federal and state law as well as SBBC policy.
- Do not ask for or discuss student information (for example, type of medications student is taking, test scores or grades, etc.) in public settings.
- Don't post “directory information” at school facilities unless the parent/eligible student has not opted out of the posting.
- Do not broadcast students' personal information over the PA system, on walkie-talkies, or via speaker phone.
- Don't send student information to email groups unless you have confirmed all people in the email group are school officials with a legitimate educational interest to receive the information.



PRIVACY NOTICES

The District publishes four (4) different privacy notices pertaining to student information:

1. FERPA Notice (pertaining to education records)
2. Protection of Pupil Rights Amendment (PPRA) Notice (pertaining to student surveys, marketing tools, and physical exams)
3. Health Insurance Portability and Accountability Act (HIPAA) Notice (pertaining to selected student health information)
4. Collection, Use and Disclosure of Social Security Numbers of Students.

These notices are found in the Code of Student Conduct and also as separate documents (available in English, Haitian-Creole, Portuguese, and Spanish) at browardschools.com/privacyinformation.

FREQUENTLY ASKED QUESTIONS

The Privacy Officer and the Office of the General Counsel have developed two very helpful FAQs on the following topics:

- Disclosure of Student Personally Identifiable Information (PII) to Health Officials (contains information on disclosures pertaining to the spread of communicable diseases)
- Disclosure of Student Information to Law Enforcement.

They are available at browardschools.com/privacyinformation.

PRIVACY OFFICER

If you have questions about protecting the privacy of student records, contact Todd Sussman, Privacy Officer, Risk Management Department, at 754-321-1914, or todd.sussman@browardschools.com.



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