FERPA’s Application to College and Career Interest Data

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What does FERPA cover?

• Education records: (1) Directly related to a student; and (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

• College & Career interest information maintained by a school/district/state agency on a student would be deemed an “education record”

• FERPA addresses who can have access to data – not how data is shared or maintained
The General Rule

• Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.
The Exceptions

• However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  • School officials with legitimate educational interest;
  • Other schools to which a student seeks or intends to enroll, or where the student has already enrolled;
  • State and local education officials for audit or evaluation of Federal or State supported education programs;
  • Appropriate parties in connection with financial aid to a student;
  • Organizations conducting certain studies for or on behalf of educational agencies or institutions;
  • Accrediting organizations;
  • To comply with a judicial order or lawfully issued subpoena;
  • Appropriate officials in cases of health and safety emergencies; and
  • State and local authorities, within a juvenile justice system, pursuant to specific State law.
Applicable to College and Career Interest Data

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# School District Disclosures

<table>
<thead>
<tr>
<th>Exception</th>
<th>College &amp; Career Interest Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>School officials with legitimate educational interest</td>
<td><em>Career interest information to appropriate teachers, counselors, administrators, contractors</em></td>
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<tr>
<td>Other schools to which a student seeks or intends to enroll</td>
<td><em>High school student enrolling in postsecondary institution</em></td>
</tr>
<tr>
<td>Specified officials for audit or evaluation purposes</td>
<td><em>District to ISBE for purposes of the ESSA College and Career Readiness Indicator</em></td>
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<tr>
<td>Appropriate parties in connection with financial aid to a student</td>
<td><em>District to ISAC in relation to MAP receipt</em></td>
</tr>
<tr>
<td>Organizations conducting certain studies for or on behalf of the school</td>
<td><em>District to research partner to improve career readiness programs</em></td>
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</tbody>
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Can State Agencies Redisclose?

• Yes!

• May disclose to “authorized representative” pursuant to a written agreement to carry out audit or evaluation

• May redisclose if the disclosure meets a FERPA exception and a record of the disclosure is maintained
### Agency Disclosures

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<tr>
<td>Authorized representative for audit or evaluation purposes</td>
<td><em>ISBE discloses career interest information to ICCB and IBHE to evaluate whether career interests align to postsecondary courses/majors</em></td>
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<tr>
<td>Other schools to which a student seeks or intends to enroll</td>
<td><em>ISBE discloses career interest information to a postsecondary institution where a student has enrolled</em></td>
</tr>
<tr>
<td>Organizations conducting certain studies for or on behalf of the school</td>
<td><em>ISBE, ICCB, and IBHE disclose interest information and other data to an external research organization relationship of career interests and career pathways to postsecondary education outcomes</em></td>
</tr>
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Other Laws

• IDEA:
  • Similar to FERPA but restrictions specifically applicable to IEP-related data

• PPRA:
  • The Protection of Pupil Rights Amendment (PPRA) is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature.
Bottom Line…

• FERPA compliance is an extremely legitimate concern ….

• But, if there is a legitimate policy objective for sharing the information, FERPA will rarely be an absolute barrier.