



**Education Systems Center**

NORTHERN ILLINOIS UNIVERSITY

# 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

- 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;**
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# School District Disclosures

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

# Can State Agencies Rediscover?

- 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

Exception	<i>College &amp; Career Interest Scenario</i>
Authorized representative for audit or evaluation purposes	<i>ISBE discloses career interest information to ICCB and IBHE to evaluate whether career interests align to postsecondary courses/majors</i>
Other schools to which a student seeks or intends to enroll	<i>ISBE discloses career interest information to a postsecondary institution where a student has enrolled</i>
Organizations conducting certain studies for or on behalf of the school	<i>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</i>



# 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



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**Thank you**