

RESPONSIBILITIES OF WPS EMPLOYEES RELATED TO STUDENT RECORDS AND DATA PRIVACY

Worcester Public Schools (WPS) personnel that student information is protected by federal and state privacy laws. Employees are expected to abide by these laws at all times in the handling of student records.

The Education Record

Education records are records directly related to a student and are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records, and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail.

Student Access to the Education Record

FERPA requires schools to give parents and eligible students (age 18 or older) the opportunity to review the information contained in a student's education records and request that any incorrect information be properly amended. The Massachusetts student records law extends these rights to students upon reaching the age of 14 or upon entering the ninth grade. Both laws generally prohibit schools from disclosing **personally identifiable information (PII)** from a student's education records to a third party without written consent from the parent or eligible student. Each school year, school districts must notify parents and eligible students of their rights under FERPA and 603 CMR 23.00. In the Worcester Public Schools, this is done each year through distribution of the *Policies Handbook for the Worcester Public Schools*.

A log needs to be kept as part of each student's record. The log should indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to (a) authorized school personnel who inspect the student record; (b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and (c) school nurses who inspect the student health record.

What is Personally Identifiable Information?

Personally identifiable information (PII) includes direct student identifiers (e.g., name, student identification number, social security number), indirect identifiers (e.g., date of birth, address), and any other information that alone, or in combination with other information, is linked or linkable to a specific individual and would allow a reasonable person in the school community to identify the student. Because this definition includes indirect identifiers and other linked or linkable information about the student, there is no definitive list of data elements considered to be **PII**.

Any student information may potentially be **PII** if it can be used by a reasonable person in the school community to identify the student. Aggregate or tabular data may be considered **PII** if it includes information about individuals or small groups with unique or uncommon characteristics or extreme values.

Providing Information without Consent

FERPA and 603 CMR 23.00 allow a number of exceptions under which student **PII** may be shared without the consent of parents or eligible students. Four commonly used exceptions are briefly described below. It is important to note that under any of the exceptions, school systems are required to use reasonable methods to ensure that any third party that receives student information uses the data only for authorized purposes and protects the data from future disclosures. In addition, under both the studies exception and the audit and evaluation exception, education agencies are required to ensure that the third parties destroy the data when the data are no longer needed for the purpose for which they were shared.

School official exception: School districts may share student **PII** among designated school officials with a legitimate educational interest. Outside parties may be considered school officials if they are performing a service for which the school or LEA would otherwise use employees.

Studies exception: The disclosure of student **PII** to third parties is permitted when research studies are conducted, or on behalf of, the district or schools.

Audit or evaluation exception: Schools and districts are allowed to disclose student **PII** to authorized representatives of federal, state, and local educational authorities for the audit or evaluation of federal or state-supported education programs.

The above-referenced exceptions require approval by the WPS Office of Research and Accountability. A WPS Data Sharing Agreement must first be in place before information is disclosed.

Directory information exception: Schools may disclose certain student **PII** without the consent of the parent or eligible student. However, schools must first notify parents of the specific data elements the district is designating as directory information, and allow parents a reasonable amount of time to

“opt out” of having their children’s information shared under this exception. Schools must keep track of the children whose parents have opted out of sharing information, and ensure that information about these children is not included when directory information about other students is shared.

Directory information can be defined as **PII** that is generally not considered harmful or an invasion of privacy if released. School districts are responsible for developing the directory information policy that will be used in their schools. Thus, the list of data elements considered to be directory information will vary among school systems.

In the Worcester Public Schools, Directory information has been

defined as: Student Name
Honors and awards received
Participation in officially recognized activities and sports
Weight and height of members of athletic teams
School and/or program attended
Enrollment status
Grade level
Dates of attendance

Parents or eligible students (over age 18) may request that the Worcester Public Schools not disclose directory information. Therefore, school-based staff should check with their principal prior to disclosing directory information to non-WPS organizations or individuals.

What are some appropriate uses of directory information?

- Yearbook
- A program showing student roles in drama or music productions
- Sports activity sheets
- Honor rolls or other recognition lists
- Graduation programs
- Use with outside organizations, such as companies that manufacture class rings.

It is important to note that when designated directory information is combined with any other information about the student that is NOT considered directory information, the directory information exception does not apply. For example, a list that includes student names, addresses, and telephone numbers would fall under the directory information exception if those three data elements are designated as directory information. But if the list also includes each student’s ethnicity, the list would no longer be eligible for sharing under the directory information exception.

Other exceptions:

- Officials at another school to which a student is transferring;
- Law enforcement or court officials in compliance with a judicial order or subpoena;
- Appropriate officials in cases of health and safety emergencies;
- Case workers for children in foster care or who are wards of the state; and
- Federal, state and local officials as necessary in connection with

the evaluation or enforcement of federal and state education laws
or programs

Questions a or requests by 3rd parties for protected student information should be
referred to

Chief Research and Accountability Officer 20 Irving Street