

FERPA Proposed Regulations 2011

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Department of Education – Privacy Efforts

- Chief Privacy Officer
- Privacy Technical Assistance Center
- National Center for Education Statistics
Technical Briefs
- Proposed FERPA Regulations

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Directory Information:

- Would allow an educational institution to specify in its annual notice to students that disclosures of directory information may be limited to specific parties, for specific purposes, or both.
- The second proposed change would clarify that students may not prevent an educational institution from requiring a student to wear or present a student ID or badge.

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Authorized Representative:

- Means any entity or individual designated by a State or local educational authority or an agency headed by an official in §99.31(a)(3) to conduct – with respect to Federal or State supported educational programs – any audit, evaluation, or compliance or enforcement activity in connection with Federal legal requirements related to those programs.

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Officials under §99.31(a)(3) include:

- Secretary of Education
- Comptroller General of the US
- Attorney General of the US

They could designate other entities, including:

- State health and human services agencies
- State labor agencies
- Other public or private entity

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Education Program:

- Would be defined as any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education – regardless of whether the program is administered by an educational authority.

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Research Studies:

- The proposed amendments would allow a state or local educational authority or agency headed by an official under §99.31(a)(3) to enter into agreements with organizations conducting studies under §99.31(a)(6)(i) and re-disclose PII on behalf of the educational agencies and institutions that provided the information.

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- In the event that an educational agency or institution objects to the re-disclose of PII it has provided, the State or local educational authority or agency headed by an official under §99.31(a)(3) may rely instead on any independent authority it has to further disclose the information on behalf of the agency or institution – whether explicitly granted to implied.

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Authority to Conduct Audit or Evaluation:

- The secretary proposed to amend §99.35(a)(2) by removing the provision that a State or local educational authority or other agency headed by an official under §99.31(a)(3) must establish legal authority under other Federal, State or local law to conduct an audit, evaluation, or compliance or enforcement activity.

FERPA 2011 Proposed Regs

The Department intends these clarifications to promote Federal initiatives to support the robust use of data by State and local educational authorities to evaluate the effectiveness of Federal or State supported education programs. The provision of postsecondary student data to P-12 data systems is vital to evaluating whether P-12 schools are effectively preparing students for college.