FERPA Summary

FERPA, or the Family Educational Rights and Privacy Act, is a federal law enacted in 1974 that protects the privacy of student education records. For educators, understanding FERPA is crucial as it governs how schools handle student information. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education, which includes most public and private institutions.

Under FERPA, parents or eligible students (those who are 18 years or older) have specific rights regarding educational records. These rights include the ability to inspect and review the student's education records maintained by the school, request that a school correct records they believe to be inaccurate or misleading, and have some control over the disclosure of information from educational records. Schools must have written permission from the parent or eligible student to release any information from a student's education record, with some exceptions.

FERPA allows schools to disclose records, without consent, to certain parties under specific conditions. These include school officials with legitimate educational interest, other schools to which a student is transferring, specified officials for audit or evaluation purposes, appropriate parties in connection with financial aid, organizations conducting certain studies for or on behalf of the school, 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.

Educators should be aware that FERPA defines "directory information" differently from other educational records. Directory information includes data that would not generally be considered harmful or an invasion of privacy if disclosed, such as a student's name, address, telephone number, date of birth, honors and awards, and dates of attendance. Schools must notify parents and eligible students about directory information and allow them a reasonable amount of time to request that the school not disclose their directory information.

Violations of FERPA can result in serious consequences for schools, including the loss of federal funding. Therefore, it's essential for educators to be familiar with FERPA regulations and to consult with school administrators or legal counsel when uncertain about the proper handling of student information. By adhering to FERPA guidelines, educators play a crucial role in protecting student privacy while ensuring that necessary information can be shared appropriately to support students' educational needs.

“Write a 5 paragraph summary about FERPA explaining it for educators.” Prompt. Claud.ai 3.5 Anthropic 7/25/2024 <https://claude.ai/chat/15ceac09-8a07-4730-b7f9-ebd7b73498cb>

COPPA Summary

The Children's Online Privacy Protection Act (COPPA) is a federal law enacted in 1998 to protect the privacy of children under 13 years of age online. For educators, understanding COPPA is essential as it impacts how online services, including educational technology, can collect and use children's personal information. The law applies to operators of commercial websites, online services, and mobile apps directed at children under 13, or those who knowingly collect personal information from children under 13.

COPPA requires website operators to obtain verifiable parental consent before collecting, using, or disclosing personal information from children. Personal information includes data such as full name, home address, email address, telephone number, Social Security number, or any other information that would allow someone to identify or contact the child. It also covers persistent identifiers that can recognize users over time and across different websites or online services.

For schools, COPPA allows educational institutions to act as intermediaries between website operators and parents in providing consent for the collection of personal information from students. This means that schools can provide consent on behalf of parents for the use of educational technology in the classroom, but only for educational purposes and not for commercial purposes. However, schools should be transparent about their consent practices and provide parents with information about the websites and online services their children will be using.

Educators should be aware that COPPA imposes several requirements on website operators, including maintaining a clear and comprehensive online privacy policy, providing direct notice to parents before collecting children's personal information, and obtaining verifiable parental consent before collecting, using, or disclosing such information. The law also gives parents the right to review their child's personal information, request its deletion, and refuse to allow further collection or use of the child's information.

Compliance with COPPA is crucial for both website operators and educators using online services with students. Violations can result in significant fines and legal action. Therefore, educators should work closely with their school administration to ensure that any online services or apps used in the classroom comply with COPPA regulations. By understanding and adhering to COPPA guidelines, educators can help protect their students' online privacy while leveraging valuable educational technology resources.

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Arizona Laws Summary.

Arizona has several laws and regulations that address student data privacy, building upon federal laws like FERPA and COPPA. The main state-level legislation educators should be aware of is the Arizona Student Privacy Law (A.R.S. § 15-1046), enacted in 2016. This law aims to protect student data and provide guidelines for its use in educational settings.

Key points of the Arizona Student Privacy Law include:

1. Data Collection and Use: The law restricts the types of student data that can be collected and how it can be used. Educational institutions and third-party contractors can only collect data necessary for K-12 purposes. They are prohibited from selling student data or using it for targeted advertising.

2. Security Measures: Schools and contractors must implement reasonable security measures to protect student data from unauthorized access, destruction, use, modification, or disclosure.

3. Parental Rights: Parents have the right to inspect and review their child's education record and request corrections to inaccurate information.

4. Transparency: Educational institutions must be transparent about the types of student data they collect, how it's used, and with whom it's shared.

5. Third-Party Contracts: The law sets requirements for contracts with third-party providers who handle student data, ensuring these providers adhere to privacy and security standards.

Additionally, Arizona has specific regulations regarding the use of technology in schools (A.R.S. § 15-1041 to 15-1045). These laws require school districts to:

1. Adopt policies for the use of technology and the internet in schools.

2. Implement measures to prevent access to harmful materials online.

3. Educate students about appropriate online behavior and cyberbullying awareness.

Educators should also be aware that Arizona follows federal guidelines on directory information as outlined in FERPA. Schools must notify parents about what they consider directory information and allow parents to opt out of its disclosure.

It's important for educators to familiarize themselves with these laws and work closely with their school administration to ensure compliance. Regular training on data privacy practices and staying updated on any changes to these laws is crucial for protecting student privacy while effectively using educational technology.

Remember, while this summary provides an overview, it's always best to consult with your school district's legal counsel or privacy officer for specific guidance on implementing these laws in your educational setting.

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