# FERPA Considerations for Using Student Data in Postsecondary Outcomes Data Projects

Education organizations rely on sharing data, often sharing student information with those outside the school or district to improve and measure student outcomes. Organizations considering sharing data as part of their data project must abide by the Family Educational Rights and Privacy Act (FERPA). FERPA provides certain rights for parents regarding their children's education records, including the sharing and disclosure of data. Use this checklist from the K12 Community of Practice: Using Postsecondary Data (K12 CoP) to consider student data privacy prior to starting projects that use or share student data.

## 1. Will this project require the use of data from students' education records?

a. If yes, have you considered how FERPA applies?
b. If you are getting data from students' education records for this project, do you have written consent from each parent or eligible student (an "eligible student" is age 18 or older or enrolled in postsecondary education at any age)?
    - If not, which FERPA exception allows for the sharing of identifiable education records for this project: School official exception, studies exception, or audit and evaluation exception? If you are not sure, please see FERPA Exception Summary below.
c. If you are redisclosing data shared with you under an FERPA exception, such as to a contractor, is there a written agreement that meets the audit and evaluation exception requirements under FERPA? Has an authorized representative been designated? See Written Agreement Checklist and the Guidance for Reasonable Methods and Written Agreements below for more information.

## 2. Who is the audience for the final output (dashboard, report, etc.)?

a. Even without names, could the data being displayed in the final output identify a specific person?
b. If the final output includes identifiable data from students' education records, will it only be viewable by staff? Do these staff members meet the definition of school official as defined in FERPA and in the school or education agency's Annual Notification? See FERPA Exceptions Summary below.
c. Will the final output be viewable by the public? If so, what disclosure avoidance techniques have you applied to the data displayed in the final output to prevent an unauthorized disclosure of identifiable data from the students' education records? (Cell suppression, perturbation, masking, etc.) See Data-Deidentification: An Overview of Basic Terms below.

## 3. Am I unsure about how – or if – FERPA applies?

If you don't know if FERPA applies, stop and check FERPA guidance or ask someone with expertise. You can also contact your general counsel or the Privacy Technical Assistance Center.

## Valuable Resources:

- Data De-Identification: An Overview of Basic Terms
- Integrated Data Systems and Student Privacy
- Guidance for Reasonable Methods and Written Agreements
- Written Agreement Checklist
- FERPA Exceptions Summary

## About the K12 CoP

The K12 CoP is supported by Quality Information Partners (QIP). It is a freely accessible, community-driven collective of state-level K12 postsecondary data users, collectors, managers, and analysts who collaborate to share challenges, potential solutions, best practices, and resources to improve pathways for students. Learn more at **https://k12usingpsdata.com/**.