

Confidentiality and the FERPA Law

I. Confidentiality Statement

The Shelburne Community School is frequently host to many visitors, parent volunteers, and helpers during the school year. The administration would like to take this opportunity to remind individuals visiting our school of their obligation to maintain the confidentiality of students.

We believe that all information (written or observed) belongs primarily to the students and/or parents and the school, as trustee of this information, maintains student records and other personally identifiable information to serve the best interest of students.

Information that is disclosed to “third parties” obligates those parties to safeguard and protect the confidentiality of any personally identifiable information. The administration asks that anything you, as a visitor, see, hear, or are privy to during your visits not be shared in any way. This is a protection of the student’s civil rights and we ask visitors to pay special attention to this very important issue. Thank you for your understanding.

II. The FERPA Law

The Family Education Rights and Privacy Act (also known as the Buckley Amendment) is a Federal privacy protection law specifically protecting a student’s privacy. This law ensures that “...information about students...can be released only to parents/guardians...and prohibits any disclosure of information from student records...” Student Records are defined as any identifiable piece of information which both identifies a particular student and makes public any academic grade, ranking or status.

III. Education Record

Education record means any and all information that is directly related to a student or former student, and is maintained by an educational agency or institution or by a party acting for the agency or institution.

Education records include a range of information about a student, such as handwriting, print, computer media, video/audio tape, film, microfilm and microfiche.

Confidentiality extends to knowledge gained verbally or knowledge gained by accident such as reading a note, an observation, etc.

IV. Limited Access

School officials have limited access to education records of students unless they have a legitimate educational interest.

School officials with legitimate educational interests means any teacher, administrator, other professionals (employed by the school district to provide educationally related services), volunteer, paraprofessional, or school board member who needs information to carry out his/her official duty—the school in charge of education records shall determine whether a school employee/official is seeking the information to carry out his/her official duty and whether the information sought will help in carrying out that duty.

The school and staff members are trustees of this information and maintain these records for educational purposes to serve the best interests of its students. We all become liable if a student’s confidentiality is breached.

V. Confidentiality and Volunteers

Despite notifying parents through a team council, the parent newsletter, or a handout on confidentiality, it is still the team's responsibility to go over the confidentiality law and expectations with volunteers. These statements can be given to your volunteers and in your discussion you might include these points.

Any volunteer's discussion regarding a student can only be made with that child's teacher(s) or a faculty member who is currently involved in that student's education. A volunteer may have contact with a student in some of these ways:

- Working one-on-one or in small groups
- Filing student information
- Team discussions
- Being in the classroom
- Doing a project for a teacher
- Carrying out behavior plan
- Correcting work
- Observing any and all verbal or behavioral exchanges where a student is involved

If a volunteer has questions or concerns regarding a student, they should discuss them with the classroom teacher only.

If a volunteer or employee shares any information learned about a student through their presence at the school, that person can be held personally liable by the parents of the student as well as by the school, for violation of the federal FERPA law.

Volunteers may not even share information with a child's parent. Information can only be released by the child's teacher(s) or school official involved with that child.