

What is FERPA?

The Family Educational Rights and Privacy Act is a Federal law that protects personally identifiable information in students’ education records from unauthorized disclosure. It affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right for parents and eligible students to have some control over the disclosure of personally identifiable information from the education records.

FERPA includes provisions allowing students’ PII to be disclosed by educational agencies or institutions without the prior, written consent of the parents if the disclosure meets the criteria for one of the permitted consent exceptions. The audit or evaluation exception allows educational agencies to share personally identifiable information without consent with authorized representatives of the agency for the purpose of auditing or evaluating a federal- or state-supported education program as long as certain additional requirements are met. The FERPA statute is codified at 20 U.S.C. § 1232g, and the FERPA regulations are found at 34 CFR Part 99.

## What are my responsibilities under

## [Name of State Statute]?

[Insert information about state requirements.]

## Who can I contact for more information?

[Insert name of state privacy officer or appropriate contact.]

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# Acknowledgement of Contractor Responsibilities under FERPA’s Audit or Evaluation Exception

# and

# [Name of State Statute]

This document is intended for state educational agencies (SEAs) and their contracted companies (providers) to inform contractor employees about their responsibilities to protect students’ personally identifiable information acquired under FERPA’s audit or evaluation exception. For more information about FERPA, please visit [*http://ptac.ed.gov*](http://ptac.ed.gov) and[*http://familypolicy.ed.gov*](http://familypolicy.ed.gov)*.*

PTAC-ACK-2 July 2015



The undersigned acknowledges that he or she has read, understands, and will uphold all responsibilities as outlined in the *Contractor Responsibilities under FERPA’s Audit or Evaluation Exception.*

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(Print name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of company)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of SEA contracting with the company)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Date)

## What are my responsibilities regarding student PII under FERPA?

You must make sure the students’ PII is:

* Adequately protected once it is under your control. Comprehensive security standards should protect your electronic data systems. Standardized policies and procedures, including role-based access controls, should be in place to mitigate data security risks.
* Not disclosed to another party (except back to the SEA). The data must not be shared with unauthorized users, and they must be protected from inadvertent disclosure due to careless handling.
* Protected in public reporting. Appropriate disclosure avoidance techniques must be applied.
* Not used for other purposes. The PII has been provided only to perform the audit or evaluation described in the contract. It should not be used for other purposes.
* Destroyed by the agreed upon date. FERPA’s audit or evaluation exception requires that data be destroyed when no longer needed for the specific purpose for which they were disclosed.

## Introduction

Your organization has been hired by the state educational agency (SEA) for the state of [ ] to perform audit or evaluation services that require you to access and use personally identifiable information (PII) from students’ education records. Your access and use of the PII is governed by the Family Educational Rights and Privacy Act (FERPA). FERPA requires the SEA to use reasonable methods to ensure that you and your organization comply with FERPA and its regulations. If you have any questions about information in this document, they should be directed to your contract manager or SEA point of contact. Additional information can be found in [FERPA Exceptions – Summary](http://ptac.ed.gov/sites/default/files/FERPA%20Exceptions_HANDOUT_portrait.pdf).

Your organization has a written agreement with the SEA detailing several points, including:

* The PII that is shared with (disclosed to) your organization;
* A description of the audit or evaluation, including the methodology and the reason why PII is required;
* A plan, including a timetable, for destroying the PII once the information is no longer needed; and
* Policies and procedures to protect PII from unauthorized disclosure, access, or use.