November 2, 2012

**Re: The Family Educational Rights and Privacy Act of 1974 (“FERPA”)**

Dear Staff,

I am writing in response to several questions posed by staff regarding the privacy rights of our students. As you are aware, the Family Educational Rights and Privacy Act of 1974 (“FERPA”) provides parents and eligible students certain rights regarding personally identifiable information, such as grades, attendance, discipline and other information maintained by the District. Generally, FERPA requires that parents provide the District with written consent before we disclose or share any personally identifiable information about a student with anyone. With limited exceptions, we can only share information about a student without a release from the parent when the disclosure is made to a school official with a legitimate educational interest in the information.

By way of example, without a release, FERPA generally prohibits staff from discussing a student’s discipline or other personally identifiable information in the teacher’s lounge over lunch where one or more of those involved in the discussion do not have a legitimate educational interest in the information. A “legitimate educational interest” means the official needs the information in order to fulfill his or her professional responsibility. It is rare that every staff member within the lounge has a legitimate educational interest in the information being shared.

Similarly, without a release, FERPA generally prohibits staff from discussing a student’s special education eligibility or other personally identifiable information with individuals who are not school officials, such as private therapist or police officers. A “school official” generally includes all persons employed by the District, including temporary substitutes, and persons providing contracted services to the District. Accordingly, conversations with individuals not employed by the District must generally be limited in scope.

The Lansing School District respects the rights of our parents and students as provided for in FERPA. Accordingly, staff should only share information about our students with school officials with a legitimate educational interest in the information. If you are discussing information about a student with staff who do not have a legitimate educational interest in the information or with individuals not employed by the District, you may be violating that family’s rights under FERPA.

If you should have any questions or concerns about the contents of this memo or about FERPA, please contact my office.