

Sharing Of Information (FERPA)



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LEARNING OBJECTIVES

- The student will be able to identify with whom juvenile records can be shared.
- The student will be able to identify with whom student educational records can be shared.
- The student will be able to define FERPA and its purpose.
- The student will be able to list at least two exceptions to FERPA.

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LEARNING OBJECTIVES (cont.)

- The student will be able to explain the FERPA term “designated law enforcement unit.”
- The student will be able to identify with whom the designated law enforcement unit records can be shared with.
- The student will be able to explain when an officer can be an agent of a school administrator.
- The student will be able to explain his/her authority while serving as an agent of an administrator.

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Sharing of Information

- Texas Family Code: Title III, Sec. 58.005 “Confidentiality Of Records”.
- Texas Education Code: Sec. 26.004 “Student Records”
- Family Education Rights & Privacy Act “FERPA”

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Valid Disclosures Under FERPA

- **Oral information based on personal observation and knowledge.**
- **School and Juvenile Court**
- **Law Enforcement Unit Records**
- **Directory Information**
- **Health and Safety**
- **At Risk Children**
- **Court Order**
- **Parental Consent**
- **Agent of Administrator**

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October 30, 2007, the U.S. Dept. of Education released the following: Law enforcement unit officials who are employed by the school should be designated in its *FERPA* notification as "school officials" with a "legitimate educational interest." As such, they may be given access to personally identifiable information from students' education records. The school's law enforcement unit officials must protect the privacy of education records it receives and may disclose them only in compliance with *FERPA*. For that reason, it is advisable that law enforcement unit records be maintained separately from education records.

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SRO as Agent of Administrator

US Supreme Court Cases

- **In Re Boykin 237 N.E. 2d 460**
- **In Re Fred C. 102 Cal Rptr 682**
- **Cason v. Cook 810 F. 2d 188**

The principal received an anonymous tip, but believable tip, that Boykin had a gun in his pocket in the classroom.

The principal called a law enforcement officer who suggested that they go to the classroom and speak to the student. The student was called to the door of the classroom where the officer, at the principal's request, frisked Boykin and found a gun.

The attorneys agreed that the boy was under arrest when forced to submit to a search by a law enforcement officer. The prosecutor argued that the arrest was legal because the tip was sufficient cause. The search, he said, was incidental to arrest. The defense attorney responded that the anonymous tip was not sufficient to make an arrest. He concluded that the search under the prosecutor's reasoning would be illegal and the evidence should be suppressed.

- **Under FERPA, schools may disclose information from the “law enforcement unit records” to whom?**
- **When an administrator requests the assistance of an officer, the officer can become an agent of the administrator.**
- **True_____ False_____**
- **List two disclosure exceptions of FERPA.**

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SOURCES

- Texas Education Code
- Family Education Rights & Privacy Act
Publication “Sharing of Information”
- Texas Family Code: Title III

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(YOUR COMPANY LOGO HERE)

BREAK

Take a 10-minute break please
be prompt.

