

## **Student Privacy Protection Act**

*Returning Control of Education Records to Students and Parents*

### **Background:**

- The Family Educational Rights and Privacy Act (FERPA) establishes rules that all educational agencies and institutions must follow with regard to privacy of student education records.
- Regulations from the Department of Education (ED) in 2011 exploited gaps in the law, abused administrative authority, and drastically expanded the ability for an educational agency or institution to release student education records without the required parental consent.
- The Student Privacy Protection Act restores FERPA to its original intent and returns control of educational records to students and their parents.

### **Bill Summary:**

#### Rolling Back Department of Education Regulations:

- The Student Privacy Protection Act would reinstate FERPA's original protections by clarifying who can access student data and what information is accessible. It also requires explicit authority for authorized representatives to conduct audits and evaluations of education programs.
- ED regulations in these three areas expanded the amount of information available without prior consent of a parent or student, as well as when and to whom that information could be released.

#### Ensuring Parental Consent in All Cases

- The bill implements new, more robust guidelines, in order to protect student privacy, for schools and educational agencies to release education records to third parties, even in cases of recordkeeping.
- These entities will be required to gain prior consent from students or parents and implement measures to ensure records remain private. Further, educational agencies, schools, and third parties will be held liable for violations of the law through monetary fines.

#### Extending Privacy Protections to Home School Students

- FERPA does not currently apply to students who do not attend a traditional education institution, such as students who are homeschooled, despite some states requiring homeschoolers to file information with their school district.
- This bill extends FERPA's protections to ensure records of homeschooled students are treated equally.

#### Limits Appending Data and Collection of Additional Information

- The bill prohibits educational agencies, schools, and the Secretary of Education from including personally identifiable information obtained from Federal or State agencies through data matches in student data.
- Federal education funds will be prohibited from being used to collect any psychological or behavioral information through any survey or assessment.