

Family Educational Rights and Privacy Act (FERPA) Compliance Policy

Pursuant to the Family Educational Rights and Privacy Act (FERPA), the Colorado Department of Education is permitted to disclose students' personally identifiable information from education records without the prior consent of students' parents (or students 18 years of age or above or who are enrolled in a postsecondary institution "eligible student") only if the disclosure meets specific criteria outlined in 34 CFR part 99. The Colorado Department of Education takes very seriously its obligations to protect the privacy of student education records that are received from local educational agencies (LEAs) and schools, consistent with the requirements in FERPA. FERPA includes a number of authorized disclosures that permit education records to be used for a range of legitimate educational needs. This includes disclosure of education records, including student discipline records, without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. In effect, in authorizing these disclosures, FERPA permits CDE to harmonize the privacy of these records with the need to use them to measure school performance and growth and to conduct evaluation of the programs and support needed to improve education in Colorado. Typically, the information received from education records maintained by LEAs and schools is provided for the purpose of evaluating and auditing federal and state-supported education programs and ensuring compliance of those programs with federal requirements. The evaluation function in particular is very broad and includes research designed to measure and improve public education programs in Colorado. These functions may be carried out by CDE employees and contractors. In addition, under amendments to FERPA regulations issued by the U.S. Department of Education (USED) on December 9, 2008, CDE may redisclose personally identifiable information that it receives to third parties, for the purposes addressed in FERPA-authorized disclosures and consistent with safeguards in FERPA.

Local education agencies specifically asked the Colorado Department of Education to provide language which could be included in their enrollment packets regarding this transfer of education records. The Attorney General specifically stated that in order to participate in the district exchange of data that districts should alert parents through their enrollment process. Below please find suggested language both in English and in Spanish.

English: *The school/district discloses education records, including student discipline records, without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.*

Spanish: *El Distrito Escolar ofrece información sin requerir de autorización, a oficiales de otros distritos escolares que soliciten récords, incluyendo de disciplina, de estudiantes aspirantes o ya inscritos en sus distritos, si la información es para propósitos de inscripción o transfer.*