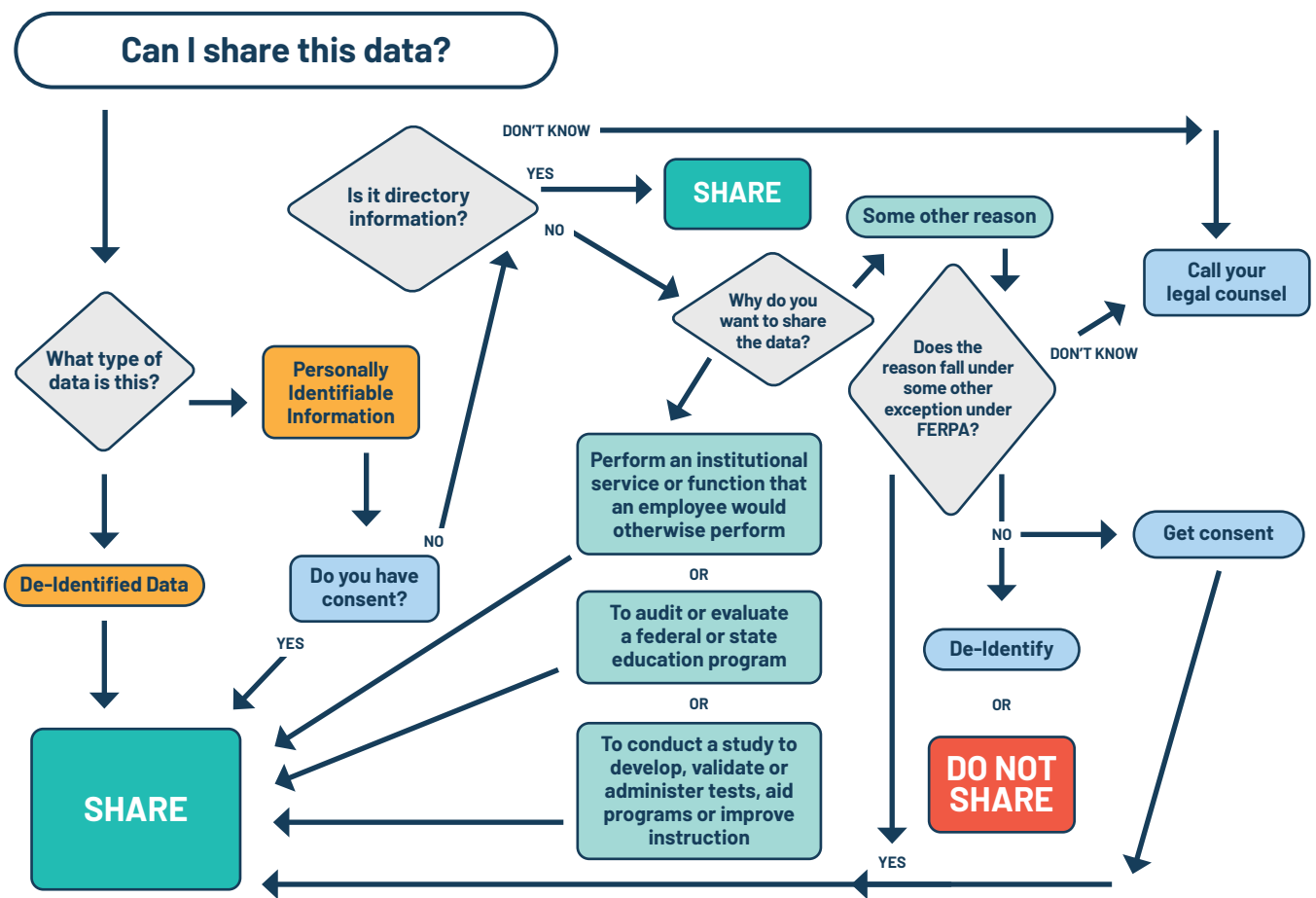


Education Data

Getting Started

Cross-sector data sharing and integration has become more routine and commonplace, and for good reason. When governments and their partners bring together data safely and responsibly, policymakers and practitioners are better equipped to understand student needs and improve schools. Importantly, as education data is frequently shared and integrated, practitioners must decipher the Family Educational Rights & Privacy Act's (FERPA) legal safeguards for sharing and integrating education data. The following matrix was designed to help practitioners begin to understand legal safeguards under FERPA. To learn more about FERPA and other legal considerations for data sharing, check out AISP's [Finding A Way Forward: How to Create a Strong Legal Framework for Data Integration](#) and [Yes, No, Maybe? Legal and Ethical Considerations for Informed Consent in Data Sharing and Integration](#).



IS THIS LEGAL?

This decision matrix provides a broad overview of key questions to ask to begin to answer the question of "Is it legal?" The matrix assumes the organization is an educational institution that is subject to FERPA. This matrix is just a starting point and does not address all the potential scenarios in which education data can or cannot be disclosed, as such it is always important to consult your legal counsel.

- ▶ FERPA protects the confidentiality of education data
- ▶ This matrix highlights 3 key FERPA exceptions
- ▶ This matrix is not intended as legal advice

If you selected this:

Perform an institutional service or function that an employee would otherwise perform



Then your use likely falls within the School Official Exception

School Official Exception

Institutions can designate third-parties (such as contractors, consultants or volunteers) as school officials and share education data, if the third party:

- performs an institutional function or service that an employee would otherwise perform;
- is under direct control of the institution regarding the use and maintenance of the data;
- complies with requirements under the law for use and redisclosure.

34 CFR §§ 99.31(a)(1), 99.7(a)(3)(iii)

If you selected this:

To audit or evaluate a federal or state education program



Then your use likely falls within the Audits & Evaluations Exception

Audits & Evaluations Exception

Education data can be disclosed to a) audit or evaluate a federal or state supported education program or b) enforce or comply with federal legal requirements related to the program. There are also requirements regarding the intended data recipient.

(34 CFR §§ 99.31(a)(3), 99.35)

If you selected this:

To conduct a study to develop, validate or administer tests, aid programs or improve instruction



Then your use likely falls within the Studies Exception

Studies Exception

Education data can be disclosed to:

- develop, validate or administer predictive tests;
- administer student aid programs;
- improve instruction.

Disclosure must be for, or on behalf of, an educational institution. Data must be destroyed when no longer needed for the study and cannot permit identification of individual students or parents to others outside the organization.

(34 CFR § 99.31(a)(6))