



## **Confidentiality of Student Information**

### **Legal Perspective**

The Family Education Rights And Privacy Act (Buckley Amendment) 20 U.S.C.A. 1232 (g), Americans with Disabilities Act 42 USC 12101, and TCA§ 10-7-504 strictly prohibit the disclosure of personal information to any unauthorized person. Educational records are defined as “those which; (1) are directly related to a student, and (2) are maintained by an educational agency or institution or by a party acting for the agency or institution.” 34 C.F.R. Sec.99.3. TCA 10-7-504 (4)(A) specifies that “The records of students in public education institutions shall be treated as confidential. Information in such records relating to academic performance, financial status of a student or the student’s parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public...” The Americans With Disabilities Act 34 CFR Sec. 300.572 requires that “Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages..” The legal interpretation of these laws collectively educational institution has knowledge, except that

The federal statute sets out nine exceptions to its strict non-disclosure requirements, providing that disclosure of student information may be made without parental or student consent (A) to other school officials or teachers with legitimate educational interest, (B) to officials of other school systems in which the student intends to enroll or transfer, (C) to authorized federal officials or state educational authorities, (D) in connection with the student’s application for financial aid, (E) to state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974, (F) to organizations conducting studies on behalf of educational agencies or institutions, (G) to accrediting organizations, (H) to parents of a dependent student, or (I) in an emergency, where necessary to protect health or safety of persons.

Illegal disclosure of any personally identifiable information regarding any student without permission is a violation of the student’s and/or parent’s civil rights and is subject to injunctive relief, compensatory damages, and/or punitive damages from both the educational agency and the aggrieved individual.

### **Application**

- A. Please be advised that the-afore mentioned statutes apply to, but are not limited to, the following:
1. Persons other than authorized school personnel grading/checking students’ papers and/or recording grades
  2. Unauthorized access to gradebooks or posting of grades (This includes viewing grades of other students by parents and/or students.)
  3. Posting of students’ work or progress charts (Students’ work or progress toward the attainment of goals may be posted if students choose to do so participation in such activities.)



Authorized personnel include the teacher(s) to whom the student is assigned, building administrators, superintendent and instructional supervisors. Teacher assistants may be authorized for specific tasks under the direction of the teacher or administrator. Substitute teachers may be given access to information which is essential to the discharging of their duties.

B. The following practices serve no legitimate educational purpose and are violations of students' rights and/or violations of ethical behavior and, therefore, subject to dismissal under TCA 49-5-501 "Conduct unbecoming to a member of the teaching profession."

1. Discussions/disclosure of students' academic progress, behavior, attendance, disabilities, medical, psychological, or psychiatric treatment or other personal information with anyone other than those having specific need to know. This includes discussions of confidential information with other teachers having no legitimate need for such information and prohibits especially any discussion of personal information with individuals outside the educational agency.
2. Students or volunteers recording, filing and having access to information related to behavior and/or discipline.
3. Reference to any medication or other treatment of a student or to any impairment, disability, or illness in such a way as to call undue attention or embarrassment to the student. (This does not preclude teachers' participation in the treatment process of a student but does preclude deliberate ridicule and/or insensitive handling of students' individual needs.)
4. Distribution of inaccurate, misleading, or unsubstantiated information which leads to hatred, ridicule or disgrace of any student or group of students whether or not specially or individually identified. Such incidences would include broad generalizations applied to groups of students including but not limited to specific disabilities and/or other distinctions including race, sex, age, national origin, socioeconomic class, and family characteristics.

Signature below is only acknowledgement that you have received this Notice of our Privacy Practices:

Name\_\_\_\_\_

Signature\_\_\_\_\_

Date \_\_\_\_\_