

AASA Student and Child Privacy Center: Privacy Primer (July 2023)

Family Educational Rights and Privacy Act (FERPA)	
High-Level Overview:	<ul style="list-style-type: none"> Requires schools to protect the privacy of education records and to give parents (and eligible students) access to them.
Applicability to LEAs:	<ul style="list-style-type: none"> Directly regulates LEA data governance and transparency
Key Provisions:	<ul style="list-style-type: none"> ACCESS: Guarantees parents (& eligible students) access to education records PRIVACY: Prevents unauthorized disclosure of education records without consent or very specific safeguards
Frequent LEA Concerns:	<ul style="list-style-type: none"> LEAs often need expert assistance to navigate FERPA because many of its requirements exist not in the law itself, but are rather found in accompanying regulations, USED guidance documents, complaint letters, etc.

Protection of Pupil Rights Amendment (PPRA)	
High-Level Overview:	<ul style="list-style-type: none"> Regulates certain data collection from students (mostly surveys) and requires schools to give parents access to instructional materials upon request.
Applicability to LEAs:	<ul style="list-style-type: none"> Directly regulates LEAs
Key Provisions:	<p>Requires schools to:</p> <ul style="list-style-type: none"> Notify parents and let them opt-in or opt-out of surveys, especially when asking about: <ol style="list-style-type: none"> Political affiliations; Mental and psychological problems potentially embarrassing to the student and his/her family; Sex behavior and attitudes; Illegal, anti-social, self-incriminating and demeaning behavior; Critical appraisals of other individuals with whom respondents have close family relationships; Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; Religious practices, affiliations, or beliefs of the student or student's parent; Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.). Notify parents when student personal information will be collected, used, or disclosed for marketing purposes Notify parents when students are scheduled to participate in physical exams Give parents access to instructional materials upon request
Frequent LEA Concerns:	<ul style="list-style-type: none"> PPRA is less well-known than FERPA, so LEA staff may be unfamiliar with its requirements. Sometimes limits LEA ability to do social-emotional learning (SEL), school climate, and

AASA Student and Child Privacy Center: Privacy Primer (July 2023)

	student interest surveys without parent notice and consent.
--	---

Children's Online Privacy Protection Act (COPPA)	
High-Level Overview:	<ul style="list-style-type: none"> • Parental consent required before companies collect personal information from children under 13.
Applicability to LEAs:	<ul style="list-style-type: none"> • Doesn't directly regulate LEAs • Often regulates school technology providers (including edtech companies)
Key Provisions:	<ul style="list-style-type: none"> • Requires companies to obtain verifiable parental consent before collecting or disclosing data <i>from</i> children under 13 (not data <i>about</i> children under 13). <ul style="list-style-type: none"> ◦ Schools can consent instead if the services are solely for the use and benefit of the school, and for no other commercial purpose.
Frequent LEA Concerns:	<ul style="list-style-type: none"> • Uncertainty about when consent is needed to use technologies. • Misconception that technology companies can pass COPPA's verifiable parental consent requirements onto schools.

Children's Internet Protection Act (CIPA)	
High-Level Overview:	<ul style="list-style-type: none"> • Requires entities receiving E-Rate funding to filter and monitor internet content on their networks.
Applicability to LEAs:	<ul style="list-style-type: none"> • Directly regulates LEAs receiving E-Rate funding
Key Provisions:	<ul style="list-style-type: none"> • Schools and libraries subject to CIPA are required to create an internet safety policy that includes technological protection measures that block or filter access to obscene online content. CIPA also requires schools to monitor students' online activities, and how they do so must be referenced in schools' internet safety policies.
Frequent LEA Concerns:	<ul style="list-style-type: none"> • Uncertainty about how much filtering and monitoring is sufficient to comply with the law but not infringe on student and parent privacy and other rights.