

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT NOTICE:**

The Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, is a federal law designed to protect the privacy of a student’s educational record. Under FERPA, an educational record includes:

A record, file, document, video, audio tape, microfiche, and other material which:

- (i) contains information directly related to a student; and
- (ii) is maintained by an educational agency or institution, or by a person acting for the agency or institution.

Information that is “directly related” to a student (personally identifiable information) includes:

- (a) the student’s name;
- (b) the names of the student’s parent(s) or other family member;
- (c) the address of the student or student’s family;
- (d) a personal identifier, such as a social security number or student number;
- (e) a list of personal characteristics that make the student’s identity easily traceable;
- (f) other information that makes the student’s identity easily traceable.

While not every institution using the Education Content Services Offering will create, process, and store “educational records” with personally identifiable information, it is possible that institutions using the Education Content Services Offering to create and store “educational records” will thereby be deemed to have disclosed those records to LearningStation, Inc. – or their hosting company or content providers – within the meaning of FERPA.

It is the responsibility of each school district to ensure its compliance with FERPA. LearningStation, Inc., does not make any warranty, representation, or provide any legal advice regarding compliance with FERPA as our entity is not a law firm and is not composed of legal counsel. We recommend that each school district consult with its legal counsel to determine its duties and obligations under FERPA. We will, however, direct your attention to the federal regulations which interpret FERPA, in particular 34 C.F.R. § 99.30(b), which provides that:

An educational agency or institution may disclose personally identifiable information from a student’s education records if it has obtained signed, dated and written consent from the parent or eligible student before the disclosure. The consent must:

- (1) Specify the records that may be disclosed;
- (2) State the purpose of the disclosure; and
- (3) Identify the party to whom the disclosure may be made.

LearningStation, Inc., recommends that each school district consult with its legal counsel to determine the appropriate method(s) for obtaining consent of the parent/eligible student prior to disclosure of education records.

**DISCLAIMER:**

**The above information is provided “as is” and is intended for informational purposes only. LEARNINGSTATION, INC., DOES NOT MAKE ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, OR PROVIDES NO LEGAL ADVICE WITH RESPECT TO THE ABOVE INFORMATION, INCLUDING WARRANTIES RELATING TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION. EACH SCHOOL DISTRICT SHOULD CONSULT WITH ITS LEGAL COUNSEL CONCERNING THE ABOVE INFORMATION TO DETERMINE THE ADEQUACY THEREOF BEFORE RELIANCE UPON ANY OF THE INFORMATION CONTAINED HEREIN.**