

# CLIENT NEWS BRIEF

## U.S. Department of Education Issues Guidance Regarding Maintaining Student Privacy While Using Online Educational Services

On February 25, 2014, the United States Department of Education's Privacy Technical Assistance Center (PTAC) published guidance regarding protecting the confidentiality of student information when using online educational services. According to PTAC, the growing use of interactive and online teaching methods brings with it the challenges of ensuring that school districts protect private student information when the internet, technology, and third parties are involved. PTAC's full release is [available here](#).

PTAC's guidance addresses the use of software, mobile applications, or web-based tools that are provided by a third party vendor or contractor, and which students or parents use or access as part of a school activity. For example, students might watch videos for class online, log-in to an online program to view their progress and grades, or engage in discussions with classmates and teachers in an online forum.

To use third party provided online educational services, school districts might need to release student information to the provider. PTAC's guidance highlights how sharing this information raises concerns regarding student privacy and confidentiality. For example, the Family Educational Rights and Privacy Act (FERPA) prohibits school districts from disclosing students' personally identifiable information, such as name, date and place of birth, social security or student number, or mother's maiden name, from education records without written consent of the parent or eligible student, with some exceptions. PTAC also advises that the federal Protection of Pupil Rights Amendment (PPRA) might be applicable. The PPRA requires school districts to notify parents of students who are scheduled to participate in activities involving the collection, disclosure or use of personal information collected *from students* for certain marketing purposes, and give parents the opportunity to opt-out of these activities. Thus, school districts must understand how third party online service providers are using information collected directly from students.

The PTAC guidance provides illustrative examples of scenarios that might arise when using online educational services and best practices that school districts can follow to comply with FERPA and the PPRA. This release serves as an important reminder that school districts need to maintain awareness of the duty to protect student information when using online educational services. In addition to the federal requirements highlighted by PTAC, California school districts should keep in mind that the Education Code includes its own specific provisions regarding the confidentiality of student information and records that must also be considered when using online services.

March 2014  
Number 18



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Components of this guidance will also be addressed by Lozano Smith attorney [Harold Freiman](#) at the upcoming [CASBO 2014 Annual Conference & California School Business Expo](#) in Sacramento during his presentation "Technology Legal Issues." The [workshop](#) on April 3, 2014 will cover the latest technology and legal issues that school districts face in today's world, including protecting the security of district data.

For further information on ensuring compliance with both state and federal requirements for protecting student information when using online educational services, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).