

Data Security & FERPA

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ARKANSAS
DEPARTMENT
OF EDUCATION



Research & Technology
AMBASSADOR ACADEMY



A black and white photograph of Willie Sutton, a famous bank robber, looking through the vertical bars of a prison cell. He is wearing a dark suit, a white shirt, and a dark tie. The lighting is dramatic, with strong highlights on his face and the bars, and deep shadows in the background.

Willie Sutton!

**Why do you
rob banks?**



**Sweetheart!
Because
that's where
the money
is at.**



Scott Augenbaum

SCOTT E. AUGENBAUM
SUPERVISORY SPECIAL AGENT, FBI CYBER DIVISION (RETIRED)



THE SECRET TO
CYBERSECURITY

A SIMPLE PLAN TO PROTECT
YOUR FAMILY AND BUSINESS
FROM





“Cybercrime will be more profitable than the global trade of all illegal drugs combined.”

<https://threatmap.fortiguard.com/>

The Secret to Cybersecurity

The 4 Truths

The Secret to Cybersecurity

Truth 1

Nobody expects to
become a victim.

The Secret to Cybersecurity

Truth 2

You're probably not
getting your money
back.

The Secret to Cybersecurity

Truth 3

The bad guys
probably aren't
getting arrested.

The Secret to Cybersecurity

Truth 4

A majority of
cybercrime can be
prevented.

The Secret to Cybersecurity

Question:

Have you ever received any type of data privacy or security training from your school or district?

TCB19055

Security
Awareness Campaign



ideas
INTERNET DELIVERED EDUCATION FOR ARKANSAS SCHOOLS



Security Mentor[®]

Brief, Frequent, Focused.[™]



Security Mentor[®]

Brief, Frequent, Focused.[™]

security

basics



Scottt's

Tips

The Secret to Cybersecurity

Tip 1



Be mindful where you
store sensitive
information.
(**passwords** & **PII**)



Tip 2



Incorporate the use
of a passphrase.

(**20+**)

\$\$72(insert phrase)27\$\$

\$\$72lean **on me** when you are **not** strong 27\$\$

\$\$72**lomwya**ns27\$\$

\$\$72**lomwya**XXXs27\$\$

\$\$72**lom**&m**wya**XXXs27\$\$

FREEBIE

only store this:

Lean on me and mom when you are not strong.

Tip 3



Activate two-factor authentication (2FA) when possible.

<https://twofactorauth.org/>

Tip 4



LIE...don't tell the truth
when answering
questions.

Tip 5

Think before you
click.



“**90%** of the cases I investigated might have been **prevented** through **user education** and awareness, **sound business processes**, and the use of simple control called **two-factor authentication.**”

Scott Augenbaum

The Secret to Cybersecurity





Security
Awareness Campaign



4 Simple Steps



1. Build awareness and leadership support.
2. Do a risk assessment & data inventory, determine your risk threshold.
3. Develop an incident response plan.
(training & testing)
4. Develop a security awareness program and provide training.

Workshop Dates



June 6, 2019: Dawson ESC (*Arkadelphia*)

July 15, 2019: Southeast Arkansas ESC (*Monticello*)

Sept 17, 2019: Arkansas River ESC (*Pine Bluff*)

Oct 15, 2019: Crowley's Ridge ESC (*Harrisburg*)

Nov 5, 2019: Great Rivers ESC (*Helena*)

Question:

Have you ever received any type of FERPA training from your school or district?

FERPA

basics

What is

FERPA?

FERPA is a federal privacy law that affords parents the right to:

- have **access** to their **children's education records**,
- seek to have the records **amended**, and
- **consent** to the **disclosure** of **personally identifiable information (PII)** from education records, **except** as provided by law.

When does

FERPA

apply?



What is an
**education
record?**

Education records are records that are:

1. directly related to a student; and
2. maintained by an educational agency or institution or by a party acting for the agency or institution.



Mini-Lesson

1

Health records on students,
including immunization
records, maintained by an
educational agency or
institution subject to **FERPA**
are “**educational
records**”.

What about...



Videos must be directly related.

- Resulted in disciplinary action
 - Shows a violation of the law
- Shows an occurrence of student injury, attack, illness, or health emergency
- Audio or visual record contains content that includes PII for a student's educational record

Videos are **NOT** education records when...

- Students are in the background
- Photos or videos do not focus on a specific student
- Content is maintained by law enforcement
(If a copy is provided to the school, that copy may become an education record.)

When videos are **directly related &** involve **multiple students...**

- Parents' FERPA rights apply
- Redaction is required when reasonable & does not destroy the meaning of the video
 - Schools cannot charge for redaction
 - Copies are allowed (not required)

scenario 1

A police officer shows up at the main office of a middle school, and asks to view video surveillance of an active student. The police officer suspects this student is involved in gang violence that occurred three weeks ago. The police officer does not have a court order. Can the school allow the officer to view the video footage?



Mini-Lesson

2

When a student turns **18** years old, **or** attends a postsecondary institution at **any age** they become an **“eligible student”** and, the rights under FERPA **transfer** from the parents to them.

scenario 2

Lucy is a 17 year old high school student at your school and is enrolled in the career and technical education Culinary Arts Program. The Culinary Arts Program has an articulation agreement with the local community college. As such, Lucy is dually-enrolled at the community college where she is taking the Artisan Breads & Pastries class. Lucy's parents have requested a copy of Lucy's education records maintained at both your school and the community college. What information can you provide the parents?



Mini-Lesson

3

Under **FERPA**, “parent” means a parent of a student and includes a natural parent, a guardian, **or** an individual acting as a parent in the absence of a parent or guardian.

(includes custodial & noncustodial parents)

FERPA affords full rights to a parent, **unless** the school has been provided with **evidence** that there is a court order or state law that specifically **revokes** these rights.

FERPA &

Parents'

Rights

FERPA rights of parents include...

- Right to **inspect** and review education records;
- Right to request **amendment** of education records;
- Right to **consent** to disclosure, with certain exceptions; and
- Right to **file a complaint** with U.S. Department of Education regarding an alleged violation of FERPA.

scenario 3

Jack and Diane, two young people from a small town in Arkansas, fall in love and get married. After 10 years, and two kids, they grow apart and get divorced. Jack moves to California and Diane stays in her small town. Diane gets remarried and has sole custody of the kids.

Concerned about how his children are doing, Jack asks the school for access to his children's education records. Knowing that he doesn't live with his children, the school denies the request. Did the school do the right thing?



Mini-Lesson

4

Under the “**school official exception**”, schools may disclose PII from education records **without consent** if the disclosure is to other school officials within the school who the school has determined to have legitimate educational interest.

(**Annual notification** of FERPA rights must include criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.)

What is
directory
information?

Directory information

includes information in a student's education record that would **not** generally be considered **harmful or** an **invasion of privacy** if disclosed.

Rule of Thumb

Directory information

may include...

- name, address, phone number, and e-mail address
- photograph
- date and place of birth
- most recent school attended
- grade level & major field of study
- participation in officially recognized sports & activities
- height & weight of athletes
- degrees, honors, and awards received

Directory information

may never...

- include Social Security Number (SSN)
- disclose non-directory information with directory information

Directory information requires...

- **Annual notice** must be given to parents of students in attendance and eligible students in attendance.
- Parents may choose to **“opt-out”** of the disclosure of directory information for their child.

scenario 4

A community-based organization that has programs for children with special needs approaches you regarding their programs. They have requested the name, address, and telephone number of parents with students in your school who have a disability to offer their services. You like the programs offered by the organization and believe the programs may be of benefit to the students with disabilities and their parents. Can the names and contact information for these students be disclosed to the organization?

Are you

FERPA

compliant?



Johnny Key
Commissioner of Education
[Read Bio >](#)



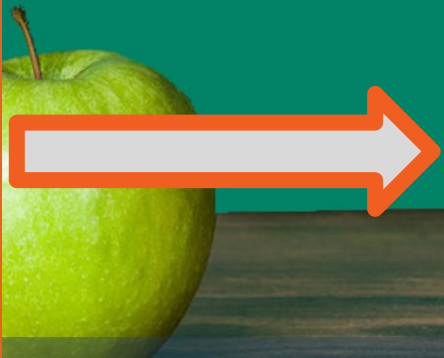
Google Custom Search



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- Parents
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- State Board ▾
- Divisions ▾
- Contacts ▾



Resources
for Districts



- > [Model Notification of Rights under FERPA](#)
- > [Model Notification for Directory Information under FERPA](#)

TECHNOLOGY INITIATIVES AND RESOURCES UNIT

[Home Page](#) / [ADE Divisions](#) / [Research and Technology](#) / Technology Initiatives and Resources

The Technology Initiatives and Resources Unit provides leadership, support, and service to educators and community stakeholders in the areas of training, end-user support, stakeholder feedback, data privacy best practices, and development of new educator tools.

Click the tiles below for resources about our tools.



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- Parents
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- Divisions
- Contacts

Security Awareness Campaign

- STEP 1: Build Awareness and Leadership Support
- STEP 2: Complete a Risk Assessment and Data Inventory
- STEP 3: Develop an Incident Response Plan
- STEP 4: Provide Continuous Training

Related Links

FERPA Awareness Course



TECHNOLOGY

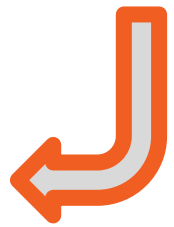
View Topics A-Z

Research and Technology

Security Awareness Campaign

APSCN Unit

Technology Initiatives and Resources Unit



...technology to enhance the quality of education for Arkansas' teachers, students, parents, and other educational stakeholders by providing timely and accurate information using high-quality data and tools that are easy to use, powerful, cost-effective and readily accessible. Research & Technology also works diligently to ensure the integrity and confidentiality of educational data. The division provides numerous tools and applications for educators, policymakers, state and federal governmental agencies, researchers and the public.

Units in the Division of Research & Technology

The Division of Research & Technology is divided into two units: APSCN - Student Management System

Related Links

<https://bit.ly/2RIHSRq>

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