November 1, 2021

Dear Chief State School Officers and Superintendents:

The Student Privacy Policy Office (SPPO) at the U.S. Department of Education (Department) provides annual notification to State educational agencies (SEAs) and local educational agencies (LEAs) regarding the educational agencies' obligations under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98). The annual notification, which is required by 20 U.S.C. § 1232h(c)(5)(C), has not substantively changed since it was last issued. The notification may be accessed via our website at https://studentprivacy.ed.gov/annual-notices.

FERPA and PPRA

FERPA is a Federal law that protects the privacy rights of parents and students in education records maintained by educational agencies and institutions or by persons acting for such agencies or institutions. PPRA affords parents and students with rights concerning certain SEA and LEA marketing activities, the administration or distribution of certain surveys to students, the administration of certain physical examinations or screenings to students, and parental access to certain instructional materials. Resources on FERPA and PPRA, including SPPO's online FERPA training modules, our technical assistance request process, and our complaint process, can be accessed on our website at https://studentprivacy.ed.gov/. We also recommend that you sign up for our periodic student privacy newsletter by visiting https://studentprivacy.ed.gov/join-student-privacy-listserv.

SPPO Resources

In addition to SPPO's general resources, we want to highlight the following specific resources that may be helpful.

Resources on FERPA, COVID-19, and virtual learning:

- *FERPA and Virtual Learning During COVID-19*; *FERPA and the Coronavirus Disease 2019 (COVID-19) FAQs*; and *May Schools Disclose Information about Cases of COVID-19?* – provide information on the applicability of FERPA to COVID-19 related disclosures.
  https://studentprivacy.ed.gov/covid-19

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access

- *FERPA and Virtual Learning Related Resources* – identifies resources that may be helpful in supporting virtual learning.
  https://studentprivacy.ed.gov/resources/ferpa-and-virtual-learning

General guidance for parents on FERPA and PPRA:

- *Protection of Pupil Rights Amendment (PPRA) General Guidance* – provides plain-language guidance on PPRA for parents and students.
  https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance

- *A Parent's Guide to FERPA* – provides plain-language guidance on FERPA for parents and eligible students.
  https://studentprivacy.ed.gov/resources/ferpa-general-guidance-parents

- Videos: *FERPA's Complaint Process Explained* and *What Happens When I File A Complaint?* – provide a succinct overview of the SPPO complaint process.
  https://studentprivacy.ed.gov/file-a-complaint

- Video: *What is the Protection of Pupil Rights Amendment or PPRA?* – provides a succinct description of PPRA.
  https://studentprivacy.ed.gov/training/what-protection-pupil-rights-amendment

Transparency Best Practices

Although not specifically required by FERPA, SPPO encourages LEAs to post on their websites their FERPA and PPRA notifications and policies to improve the transparency of information on student privacy. As SEAs and LEAs continue to leverage digital technology in classrooms, whether students are learning in-person or remotely, we encourage as much transparency as possible with the school community about the use of such technology, the information you share with online service providers, and the providers' responsibilities regarding the information they receive about students. For more information about transparency best practices, please refer to SPPO's LEA website privacy review, which may be accessed at https://studentprivacy.ed.gov/lea-website-privacy-review.

Data Security Best Practices

Finally, we recognize the growing number of LEAs affected by data breaches, cyber incidents, and ransomware attacks. If an LEA is affected by such incidents, we strongly encourage you to work with the relevant law enforcement and regulatory entities to respond in an appropriate and timely manner. In addition, we encourage you to take advantage of the resources and best practices available on our website:

- *Data Breach Response Training Kits* – provides customizable exercises designed around a series of scenarios to use for in-house trainings and data breach response exercises.
  https://studentprivacy.ed.gov/resources/data-breach-response-training-kit.

- *A Parent's Guide for Understanding K-12 School Data Breaches* – provides parents of K-12 students information to help understand what a data breach means and provides tools and best practices to help navigate the sometimes confusing process of protecting children's data in the event of a breach. https://studentprivacy.ed.gov/resources/parent%E2%80%99s-guide-understanding-k-12-school-data-breaches.

Thank you for the wonderful work that you do on a daily basis to provide a safe and effective learning environment for students across the country. We are available to assist you with your questions about FERPA, PPRA, and student privacy. You may contact us by submitting your questions to our student privacy help desk at FERPA@ed.gov.

Sincerely,

Kevin Herms
Chief Privacy Officer
Senior Agency Official for Privacy
Director, Student Privacy Policy Office