

2022-2023
MINERAL COUNTY SCHOOL DISTRICT
Privacy of Education Records During Online Education

As our school community continues to adjust to the circumstances presented by the COVID-19 public health emergency, the Mineral County School District's commitment to protecting student rights and supporting families remains a top priority. The purpose of this letter is to reiterate those rights and to explain how the District intends to protect confidential student information while we work with you and your child to implement our Continuity of Education Plan. Families of students with individual education plans (IEPs), or Section 504 Plans, will receive additional correspondence regarding the virtual delivery of specific special education services or activities.

The federal Family Educational Rights and Privacy Act ("FERPA") creates an obligation on the part of Mineral County School District to protect personally identifiable information (PII) contained in a student's education record from unauthorized disclosure. The District's annual FERPA notice provides a complete explanation of parent and student rights and District responsibilities under FERPA. A copy of the [Annual Public Notice](#) can be found on the District website.

As described in the Reopening Plan, the District will use virtual learning as part of our goodfaith effort to provide opportunities for students to develop and maintain educational skills during the school building closure. This includes expanding the use of virtual platforms that were already in use and may also require the District to introduce new platforms and methods of communicating and providing instruction or activities.

The annual notice continues to apply to education records maintained by the District that existed prior to the health emergency and to records that may be created during the implementation of the Continuity of Education Plan. The District is making reasonable efforts to protect PII found in education records, which is why it's important parents and students understand and implement the privacy guidelines found on the next page.

While we appreciate that there may be instances where strict adherence is untenable for teachers delivering remote learning opportunities and for families receiving instruction, we ask that all members of the school community make every reasonable effort to implement the privacy guidelines.

We are grateful for your continued cooperation as we work together to provide educational opportunities for students during this difficult time.

PRIVACY GUIDELINES

- The Mineral County School District chose virtual platforms that qualify as "school officials," a term explained in the annual notice. Any information disclosed by the District to virtual platforms in the process of establishing student account access or which may be disclosed to the virtual platform as a result of a student's use of the platform is for legitimate educational purposes.

- Unauthorized recording, which includes photos of instructional materials, students, or staff and photos or videos posted to social media or online, is **strictly prohibited**. Teachers may provide recordings to students of the teacher engaged in educational practices for the sole purpose of implementing the Continuity of Education Plan. Unauthorized recordings of students and staff are strictly prohibited and will result in disciplinary action, in accordance with the existing onsite guidelines related to this item, including and up to removal from virtual online learning.

- To the extent possible, given the age of your child and household, the District asks that virtual attendance be limited to the student for whom the educational practice is intended.¹
- Where instantaneous two-way communication between your child and a teacher or service provider is used, take precautions to keep information from your child's educational record from being broadcast to others who may be present or within earshot of your child or who may be present or within earshot of individuals who are virtually present at remote locations.
Instantaneous two-way communication includes video conferences, telephone calls, or interactive platforms.
Precautions include moving other adults and children out of the room, moving your child into a different room away from others, or using headsets or earbuds.

As a general rule that applies in the classroom setting and in virtual settings, PII is unlikely to be disclosed by a teacher during a group setting.

Exercise additional caution if the educational activity involves one-on-one communication or if the topic to be addressed is intertwined with PII from your child's educational record.

- To the extent possible given the age of your child and household, explain to your child how not to voluntarily disclose protected information from his/her own education record during group settings or when the circumstances suggest that the information will not remain private.
- When, despite your best efforts, you are unable to shield others from listening to or seeing the educational activity, please notify the teacher or service provider at the beginning of the session.
- There may be times when you or when a teacher or service provider needs to disclose PII in order to deliver educational activities. Collaborate with school employees to find a solution that protects your child's privacy while also permitting educational opportunities.
- If a parent is present or permits a non-student to be present when PII is disclosed, that person is prohibited from re-disclosing the information pursuant to the re-disclosure rule contained in the annual notice.
- All other guidelines for record keeping and maintenance of records, including special education records, by school officials continue to apply, as explained in the annual notice, to the extent possible under the circumstances.

¹ FERPA does not prohibit a parent from observing their child's education. "This is because FERPA would generally prohibit a teacher from disclosing information from a child's education records to other students in the classroom, as well as prohibit a teacher from disclosing information from a child's education records to the parents of another child who might be observing the classroom." See Letter to Mamas, U.S. Dept. of Education (Dec. 8, 2003), https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Letter%20to%20Mamas%28Recreated%29v5_08.pdf