



## Lesson: Security and Confidentiality

### Participants: All Key Players\*

#### Description

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This lesson is one of four workshops that serve as an introduction to building a culture of quality education data. All participants should complete all four workshops. In this workshop, participants will learn about the security component of quality data, specifically the Family Educational Records and Privacy Act (FERPA) and Health Insurance Portability and Access Act (HIPAA) regulations that govern school confidentiality issues.

#### Objectives

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- Identify practices that compromise security.
- Distinguish confidential and public student and staff information based on FERPA and HIPAA regulations.

#### Instructor Preparation

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- Familiarize yourself with the correct answers to the **FERPA/HIPAA Quiz** by thoroughly reading the **FERPA/HIPAA Quiz Answer Key**.
- Make a copy of the **FERPA/HIPAA Quiz Answer Key** for you to refer to during the workshop.
- Make a single copy of the following lesson resources (which can be found on the pages following the lesson plan) for each participant:
  - FERPA/HIPAA Quiz
  - Forum Guide to the Privacy of Student Information: A Resource for Schools (available at <http://nces.ed.gov/pubs2006/2006805.pdf>)
  - Health Records: FERPA and HIPAA
  - FERPA/HIPAA Quiz Answer Key
  - FERPA Scenarios and Answers
  - Examples of Best Practices Regarding Data Security

#### Essential Learnings

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- Rights for students and parents and requirements for local education agencies (LEAs) are many and complex under the Family Educational Records and Privacy Act (FERPA) and the Health Insurance Portability and Access Act (HIPAA).
- When talking about data security, both the physical security of the data (preventing inappropriate taking of data) and confidentiality (protecting data to prevent the casual or deliberate imparting of private information through conversation or carelessness) are at issue.
- Security and confidentiality issues arise with regard to paper records, electronic records, and conversations. The arrangement of desks and computer screens and the ability to lock desk and file drawers are important factors in data security.
- Directory information (that information published in a district's directories) is normally not confidential. Parents have a right to define any of the normal directory information for their child as confidential.

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\* Key players include board members, superintendents, principals, data stewards/coordinators, teachers, technology support staff, and office staff.



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## Introduction

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### Item

- Have participants complete the **FERPA/HIPAA Quiz** by recording their “before learning” answers in the *Pre* column blank. (Participants will revise their answers to the questions as they progress through the activities of the workshop and record their “after learning” answers in the *Post* column blank for comparison when the correct answers are reviewed later in the workshop.)

### Lesson Resources for the Introduction

- FERPA/HIPAA Quiz

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## Activities and Instruction

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### Item

- Provide participants with the *Forum Guide to the Privacy of Student Information: A Resource for Schools*. Have participants search for correct answers to the **FERPA/HIPAA Quiz** completed in the Introduction section. This may be completed in small groups or pairs. Participants should record what they now think are the correct answers in the second blank provided on the quiz.
- Have participants share the answers to the **FERPA/HIPAA Quiz** that they recorded during the search of the regulations and their discussion of the scenarios.
- Pass out the **FERPA/HIPAA Quiz Answer Key** to participants. Have participants put the correct answers in the *Post* column blank and then discuss which questions they got wrong and why, as well as the questions whose correct answer most surprised them. Note the several questions where the correct answer is both True and False, and discuss the implications of these ambiguities for policies and practice.
- Break group into groups to review the **FERPA Scenarios** and discuss possible answers. Distribute answers and have individual groups share their conversation with the whole group.

### Lesson Resources for Activities and Instruction

- FERPA/HIPAA Quiz
- FERPA/HIPAA Quiz Answer Key
- FERPA Scenarios and Answers

### Supplementary Resources for Activities and Instruction

- Family Educational Rights and Privacy Act (FERPA)
- Family Educational Rights and Privacy Act Regulations
- *Forum Guide to Protecting the Privacy of Student Information: State and Local Education Agencies* (<http://nces.ed.gov/pubs2004/2004330.pdf>)

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## Summary/Wrap-Up

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### Item

- On the **Examples of Best Practices Regarding Data Security** handout, have participants check off those items already in place in their LEA. Then discuss what barriers exist to implementing the practices not in place and what steps would be necessary to implement them.

### Lesson Resources for the Summary/Wrap-Up

- Examples of Best Practices Regarding Data Security