



### Institutional Service Criteria

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to "school officials with a legitimate educational interest."

A "school official" has a legitimate educational interest in an education record if the official needs to review the record to fulfill his or her professional responsibility.

FERPA defines "school official" to include "a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions," if the outside party:

- Performs an institutional service or function for which the agency or institution would otherwise use employees;
- Is under the direct control of the agency or institution with respect to the use and maintenance of education records;
- Is prohibited from using personally identifiable information from education records for any purpose other than to provide the institutional service; and
- Is prohibited from re-disclosing personally identifiable information from education records

Seattle Public Schools (SPS) has a process in place to determine when a program or service can be considered an "institutional service" under FERPA. This determination is made on a case by case basis by an SPS cross-departmental committee that reviews submitted questionnaires on a monthly basis. The review team is comprised of: Teaching and Learning, Legal, Department of Technology Services, and School and Community Partnerships.

This is a **very limited exception**. In addition to the FERPA criteria requirements, the program or service must meet the following criteria established by SPS in order to meet the "Institutional Service" criteria:

- Program or service is for students enrolled in SPS and provided on school grounds
- Program or service is academic or falls within the scope of the district's K-12 education program
- Program or service is comparable to a program or service provided by the district or is a program or service that would be provided by the district if the resources were available
- Program or service is provided directly to/for students
- Program or service is provided consistently for specific students (not drop in)

Funding source is not a factor in making this determination. Programs that provide healthcare beyond the scope of healthcare that is typically provided by a district employee (such as a school nurse or social worker), provide childcare, or provide services directly to/for families, rather than students, do not meet SPS criteria for the "Institutional Service" designation.