

GORE PUBLIC SCHOOLS

1200 North Highway 10
Gore, Ok. 74435

Confidentiality of Homeless students and Procedures

Before requesting permission to share By Name Lists of McKinney-Vento students, schools must carefully consider whether such sharing benefits students and families and is compliant with FERPA and the McKinney Vento Act. The mere act of requesting permission to share such information may create a barrier to the identification, enrollment, and retention of McKinney-Vento students, because such a request may lead families and students to hide their homelessness from the school. In addition, the sharing of such lists could result in stigma and other negative consequences. In School House Connection's experience, the potential benefits of such disclosure for the student or family often are questionable, and do not justify asking students or families to compromise their privacy in this way.

"Education records" means records that are directly related to a student and "maintained by an educational agency or institution.

1. By-Name" Lists of students experiencing homelessness cannot be shared with any outside agencies without signed, dated consent from each parent (or student age 18 or older). The consent must specify exactly what information will be shared, with whom, and for what specific purpose. The agency receiving the information must ensure the information is shared only with the individual specified on the consent form, and only for the specific purpose described on the consent form.
2. Parents have the right to opt out of any and all releases of directory information. Contact the building principal for further information.
3. INFORMATION ABOUT A MCKINNEY-VENTO STUDENT'S LIVING SITUATION IS FULLY PROTECTED AS AN EDUCATION RECORD UNDER FERPA. Disclosing students' homelessness makes their personal information public and can expose them to stigma. Disclosing students' homelessness also can put their safety at risk, particularly in situations of domestic violence. Although FERPA requires schools to give full rights to both parents, that rule will be superseded by a court order, state statute, or legally binding divorce, separation or custody document that revokes FERPA rights.

4. Interagency agreements or MOUs cannot supersede FERPA's consent requirements. There are 16 exceptions to the requirement for written consent to release records, including: Releasing records in connection with financial aid for which the student has applied or which the student has received, if "the information is necessary for such purposes as to" determine eligibility for the aid, the amount of the aid, or the terms and conditions of the aid.[ix] This includes a letter or other record verifying that a student is an unaccompanied homeless youth for the purpose of completing the Free Application for Federal Student Aid (FAFSA). This also includes a letter or other record about a student's homelessness as part of a scholarship application. Releasing records to officials of another school, school system, or institution of post-secondary education where the student seeks to enroll or already has enrolled.[x] Releasing records to the U.S. Departments of Education or Justice, or to state or local education authorities, for audits, evaluations, or enforcement.[xi] Releasing records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.[xii] Releasing "directory information" (information not generally considered harmful or an invasion of privacy if disclosed), such as name, address, telephone, email, date and place of birth, major field of study, dates of attendance, grade level, participation in extracurriculars, honors and awards. Directory information does not include information that could indicate a student's homelessness, including the student's address. Any and all information indicating a student's homelessness is protected by FERPA.
5. Directory information does not include a student's social security number or student identification number. #4 UNDER FERPA, "PRIVACY" GENERALLY MEANS THAT SCHOOLS MUST HAVE SPECIFIC, WRITTEN (SIGNED AND DATED) CONSENT TO RELEASE ANY INFORMATION FROM A STUDENT'S EDUCATION RECORD.[VIII]While FERPA indicates that directory information can be disclosed without consent,[xv] the school must (1) explain to parents and students age 18 or older what "directory information" includes, and that such information can be released, and (2) give parents and students age 18 or older the opportunity to opt out of the release of directory information.
6. SCHOOLS CAN SHARE EDUCATION RECORDS, INCLUDING A STUDENT'S HOMELESSNESS, WITH OTHER SCHOOL OFFICIALS WITHIN THE LOCAL EDUCATIONAL AGENCY OR SCHOOL WHO HAVE A "LEGITIMATE EDUCATIONAL INTEREST" IN THE INFORMATION, INCLUDING TEACHERS. 07 Offer McKinney-Vento parents, students age 18 or older, and unaccompanied youth the opportunity to opt out of the release of directory information. Explain what directory information is, and the pros and cons of opting out of the release as a way to protect their privacy. The district or school must use reasonable methods to ensure that school officials obtain access only to those

education records in which they have legitimate educational interests. To ensure schools are not erecting a barrier to identification or increasing the likelihood of stigma for students experiencing homelessness, schools should interpret “legitimate educational interest” narrowly, and avoid broad, categorical sharing of homeless information school- or district-wide. For example, teachers may benefit from knowing which of their students are currently McKinney-Vento eligible, so they can respond appropriately to attendance or behavior issues, incomplete assignments, and other needs; but teachers generally do not need to know the specifics of a student’s situation, or homelessness of students not in their classes.

7. IT IS IMPORTANT FOR UNACCOMPANIED HOMELESS YOUTH TO BE ABLE TO ACCESS AND DISCLOSE THEIR OWN RECORDS. Schools may give FERPA rights to unaccompanied youth under age 18, although this cannot supersede the rights of their parents. Many schools are unaware that they have the authority to allow unaccompanied youth to exercise rights under FERPA. Providing unaccompanied youth access to their own records is an important strategy to remove barriers to enrollment and retention and can help pave the way toward graduation. For example, unaccompanied youth can choose to share records with outside tutors, mentors, attorneys assisting in legal matters, or others as a way to support their academic progress and meet their basic needs.
8. Some unaccompanied homeless youth have adults in their lives who are “acting as a parent in the absence of a parent or a guardian.” Those adults meet the definition of “parent” under FERPA. That can include McKinney-Vento liaisons, if they are “acting as a parent” for a youth. Note that if a natural parent or legal guardian is present and attempting to exercise FERPA rights, their rights trump those of caregivers who are “acting as a parent.” Once students turn 18 years old or attend a school beyond the high school level, all FERPA rights transfer to them.

No student that has been identified or applied for Homeless assistance will be made public without signed permission from the legal guardian of a student.

All school staff that have access to Homeless records will not disclose any information without express written consent.

The procedure will be once a homeless form has been received, the form will become confidential as part of the student’s educational records.

Submission of Homeless form order: Building secretary to Building Principal, to District Homeless liaison if not provided direct to homeless liaison.