

Confidentiality & Student Records

Joan Ehrlich: You're all aware we are recording, few more people coming in and it's not that they're late, normally we can get huffy about the Late Show, but they're just waiting to get let in. I'm going to get us started and we'll just keep letting people in as they arrive. Welcome back everyone. I hope you took my advice and went outside and got some fresh air. I took my own advice only to discover that it is actually cold outside, but maybe in some parts of the state it's a little warmer than others.

Anyway, welcome back to our second half of our today's program. Or welcome if you're just joining us. We're going to start this afternoon. We're going to have two fantastic speakers. Starting with Tod Massa, who's the Director of Policy Analytics for SCHEV. I'm going to ask Tod to explain what that title actually means. But SCHEV is the State Council for Higher Ed in Virginia. This time we'll be joined by his colleague, Ramona Taylor. She's the Senior Assistant Attorney General in the Office of the Attorney General.

[START OF SLIDES]

Tod Massa: We're going to get some really high-level advice and facts. Just to give you an introduction, this topic is really near and dear to my heart because whenever I used to listen to talk on campuses about assessing student outcomes. Whenever we implement any innovation to help with students' success, it became very apparent to me that we collect data on all kinds of different cultural and minority groups of students. But it seemed we were not collecting that same data for our students with disabilities. It's hard to know what we're doing right and where to improve if we don't know the outcomes for certain students. Tod's going to talk to us about data collection. One of the things related to that and this I think came up in this morning's discussion about disability culture and disability awareness.

I see that Ramona just joined us. Thank you. Welcome, Ramona. I don't know if you heard me, but I just let everybody know that you were joining us this afternoon. Anyway, related to our conversation, somewhat this morning, often when we talk about data collection, a lot of people in the disability field get nervous because they're very conscious of and conscientious about protecting student's privacy and confidentiality. Ramona and Tod are also going to talk to us about FERPA and about what's okay and proper to communicate and where you do have to be concerned about confidentiality. With that, I will back out and ask Tod and Ramona to just takeover. Thank you both. Thank you, John.

I'm going to start off briefly and then turn over to Ramona to step us through the bulk of this slide deck. As John said, I'm Tod Massa and the Director of Policy Analytics at the State Council. Basically, that means that I am the Director of counting things, predominantly students. You

may or may not be aware, but the State Council has been collecting data on every student enrolled in public colleges and then tag participating private colleges since 1992 at the individual student level. It started with just Social Security numbers, but in 2010, it was expanded to include names, because the increasing number of students were not including Social Security numbers. Despite the fact they are required by the 1997 Taxpayer Relief Act and federal government for any students paying tuition. But there's often no enforcement mechanisms and laws like that. We're going to step through some of the concerns about confidentiality, privacy intersections with the law and put hopefully some concerns and fears at rest. Mainly because next week the collections starts because for the first time in decades the State Council is exercising its authority to collect data on self-identify students with disabilities because they recognize that they don't know anything about these students. They don't know how many they are, they don't know the nature of their disability, they don't know where they are, and they don't know their outcomes. They don't know how well they're being served. They would like to address first that ignorance and then determine if there is a place where they need to take action.

I want to couch this in the most positive way possible. Because I work for these people. They wish to be active and doing something positive and advocating for resources, understanding what needs to be done, what the needs are. Does that mean that at some point somebody will not get the bright idea? Oh, we need some accountability here. I can't promise that. I can't promise anything under changing administrations. Other than that, we have maintained privacy and confidentiality of student records for the entirety of the time we've been collecting them. We will not violate that confidentiality. We will not violate the trust we have developed with the institutions on how we handle these records.

This is important to us. It's important to me personally. What we want to do as an agency is to shed light on what's happening with Virginia students in Virginia higher education. Because we need to understand what the impact of our recommendations are. For budget, for policy, and all the things that we encourage policymakers to take action on. If there's an area where we're ignorant, we have no idea what those impacts might be. This is certainly an area where we're ignorant.

I am married to retired Special Ed teacher. I have been aware of this ignorance. But my position is unless the policymakers wish me to engage, then I tend to leave well enough alone. I tried to minimize the burden we create, and the risk we create in collecting data. But now we've reached the point where these recognize that now we've had this authority for 40 years or so, we're going to act upon it. We want to know who the students are in terms of where they are, what level of education they're in, how they're being served and what their outcomes are. That's where we are today. With that, I'll turn it over to my friend and colleague, Ramona Taylor who has been a tremendous advisor and mentor to me on this process and she's just a lot of fun to work with.

Ramona Taylor: Very good. Great. I'm going to give a little intro to myself also. Then whoever is assisting me with the slide deck do I just tell you next or? Yes, just tell me next. Perfect. I'm Ramona Taylor, as indicated earlier, I'm senior Assistant Attorney General for the office of the Attorney General. I'm in the education section of this office, so we have various divisions, so our office covers K through 12 education, as well as higher education and higher education and curriculum and services delivered through educational institutions. What does that mean, Ramona? It means we covered the Virginia Department of Education. I represent the Virginia Department of Education. I represent SCHEV, I represent one college. I represent several museums and several education centers, as well as an advisory board in regards to SCHEV education. People don't think of the breadth of what education is, especially, think about all that you do. All of your students are impacted in some way by a lot of those entities.

My history, I got here by way of actually was a special education guardian ad litem, and advocate prior to coming to this office. I had to know about procedural safeguards. I had to know IDEA and also I had to know what are the rules help draft those policies that are campus wide, especially for our institutions of higher education. How will you monitor and process and support those students with, sometimes they'll call me by saying, special needs by having unique needs. With that, I'll start rolling because I really think fundamentally, next slide for me. A lot of times, I don't know which environments. You cover K through 12 in higher education? I know a head is connected with one of my colleges. But do you also cover K through 12? Just let me know because I'll post something about it.

Joan Ehrlich: Ramona AHEAD in Virginia does not cover K through 12. We do try to work with them through the Disability Services offices at the colleges. It varies, of course across all the institutions, but try to connect with all the high schools to help with transition. But AHEAD itself are professionals who are not in the K through 12 arena.

Ramona Taylor: Because I was wondering whether I should slip in some IDEA caveats as I go. But if I see it, I might just throw something at. But as we talk about what we're going to be focusing on mostly as FERPA and how this FERPA impact what you're doing. Sometimes we hear the word FERPA, but we don't know the nuance of FERPA and so what I wanted to do is give you a general overview so we would know what records are we talking about fall under FERPA, the uniqueness of the PI versus PHI. What are the rules in disclosing and what really is a disclosure? We're going to cover a lot of topics like that over the course of our hour or two together. **Next slide.**

I'm going to talk to you about what I call the Wonder Twins in any discussion that we have. First is confidentiality. When we talk about confidentiality, it really is the label that we're giving to our records. We're not acting to be confidential. We are protecting the confidentiality of records, and because we are talking about this label we're giving to records, there translates into an obligation. We want to talk about where's that obligation coming from and what's the extent of that obligation to restrict certain people from having access to this record would

labeled confidential. Then does this confidentiality, this label extend beyond the individual? Does this obligation extend beyond the organization that holds this record? **Next slide.**

Other part of the Wonder Twins privacy. Think of them as that match set. That when we're operating with our records, think of privacy as the person's right and confidentiality as the label. I have a right to for my information to be protected and held confidential. When we're talking about rights, we also talk about duties. Who's going to ensure my privacy? Who has either a legal obligation or duty and how far does that right up confidentiality go? Is there something that's going to be in the law that makes some records more private than others, or some records more susceptible to exposure than others. Think of confidentiality and privacy, when we talk about them, we're talking often about them in the same sentence and conversation.

Next slide.

I put this in here. I think the whole gist of what we're talking about is shown in this display. Then I want you to get a visual of how they've interacted and they're part of the same cycle because, because of privacy my right and confidentiality, the label, there are certain things that have to be in place to secure the data. That's really what Tod deals with a lot of in collecting your data and analyzing your data, how do I protect your data and what processes do we have in place for that protection?

Next slide. Now, a lot of times when we think about the lawyers, lawyers think granularly sometimes, and so a lot of times when we're talking about protecting a record, the first thing a lawyer is going to ask, well, what's the record? Because when we're talking about foyer, there's this laundry list of things that are record. When we're looking at IDEA, we're like there's a laundry list of things that are considered a record, but for us under FERPA, FERPA pulls out and tells us what an educational record is. In your head think about it, in that life cycle of creating records at an institution or school, that record may start with somebody sends in an application, that person gets enrolled, someone gets housing, someone then goes to class, someone generates grades, someone gets a transcript, someone then signs a contract, someone gets financial aid, you think about all of these documents. In the life of a student, documents they touch, documents they generate, information you collect, forms you collect the information on, evolve into what could be part of an educational record. Now, for when we're talking about our students who move from the IDEA landscape or the 504 landscape or the Rehabilitation Act landscape, limited condition landscape, Title Nine condition landscape, when they transitioned into another environment, a lot of times there's going to be a marriage between what we would say is scholastic record and then other records. Under FERPA, scholastic records are pretty much that nebulous, the collection of records, unless we defined it separately, say it's a treatment record that comes from the clinic. That's why we highlighted this point. When you think about every record that flows through an institution, medical and health records that the school creates, collects and maintains are part of the educational record. I can even give you a higher education example. Think about it this way. School runs a clinic. Clinic takes in immunization record once the student is enrolled. Clinic then provides care

and treatment: COVID shots, flu shots on an institutional level. As they're collecting through the nature of that, then you have to share or pass a note or get a referral. Those records can then become part of an educational record. We're going to expand on this a little bit. Notice that it can become, a lot of times it's what is the intent, use, and purpose of the record. **Go to the next, so that's why we're going to focus on that.**

Think about an old IDEA plan, maybe your IEP plan or your 504 plan that someone wants to use to help develop a program at your institution that then becomes transmuted into part of their scholastic record, which then is part of the educational record because it's part of your map out plan for their services or their coursework. What is not an educational record? Now, a lot of times we think of educational records as any and everything that the school may put its hand on, but that's not remember, I said, extend to purpose. It's not necessarily so. What if you have a professor who takes a little notes on their students, like in my class, I take notes on my attendance sheet so I can better identify my students like this one likes cats, this one likes the color red, that's not an educational record. That's a record that I as an instructor, have created for my unique use and it has all my students information. It's in my sole possession, nobody else uses it, it's only for my benefit. It's more for indexing. That's not an educational record. Now when we think about those institutions that have law enforcement entities, not just your security officers, but certified police departments, those records in the police department unless they are used for a disciplinary action or disciplinary hearing, those records are not educational records. There are certain other laws and provisions that deal with their privacy, usually under FOIA, but those are not educational records unless they are used for an educational purpose or exercise. Now, employment records, say your student is hired as an intern in the HR department, those employment records that the student has maybe protected and not considered as education records. Now, that request to do an internship and that verification of the internship for their degree is an educational record, their employment records are not. Now, we just talked on the last slide about medical records, so treatment records, they are unique. If I'm going to get a flu shot, that's one thing. That's a treatment record. It has a unique definition under FERPA. If that treatment record is then used for something that relates to the delivery of my educational services, then it becomes a scholastic record or an educational record. If it is not, it remains a treatment record. Your alumni records, meaning your fund raising, what you contribute after-school, anything that goes beyond your time and tenure on the campus, it's not an educational record. That reason is, and I'm going to go into this, because educational records depend not only on the nature and character of the information collected, but the person's status at the time they've either generated the record or the time that someone is making a request. **Next slide.**

Thinking about the idea I just gave you about the flow of how we develop or create a students or collect student's information. Think about how we do that. Sometimes it's from the time the person walks through the door and goes to the office or goes to admissions or we're constantly collecting information and those sources and the information we collect is directly from that student or related to the family member. In my case, it would have been made the helicopter

mom showing up with them. It could be the people providing instruction, it could be the administrators that work with the person. And that's when I say school staff, I really mean the institution that you're dealing with, information is received from this body and in this process for this educational purpose, need request inquiry. Now, a lot of times it can be information that's requested for someone, a third party outside of the family group, the instructor or that institution, because you may need it to provide supportive services or accommodations in the educational environment. Or for instance, you're collecting the information and you have to make sure they have to have certain tests to participate in this. Think about the sources where the information comes from and depending on that type of source, there's key information that you need to protect because what are we thinking about? What is the whole nature of protecting this information? The information is that this person has a right that no one has access to their identifying information, their particular treatment or medical condition information, anything that they believe should remain confidential and so in the collection, it is important to note most of your processes have some safeguard in place. Next. Promoter we have a question. Are documents for possession for a student housing accommodation considered education records? Yes. They're being made for the determination of their housing, correct. Let me put it to you this way. I would say yes. Because if there's going to be on housing accommodation, that housing accommodation is based on what criteria? Not because I want to live alone, because I have a condition where I might need some assistance. It's the delivery because housing is part of delivering the educational services isn't? Or in providing an accommodation. That would be my concurrent stuff because an accommodation for their educational attendance at the institution this is part of their education records. Also think about it too. Let's take a step back from in that question when you're asking for that information and you provide that accommodation, what do you think the challenge is going to be if the accommodation is not provided? Because you're basing it on this. What is the student going to say? Well, I gave them my documents at the disability office or the exceptional services office. I asked for this accommodation. They agree to have my physician's information submitted. That's also a notice to the campus that these needs, need to be met in this particular way. If there's a challenge about what the school is not doing, if there's a challenge, usually that morphs into how we're looking at the use because that person is requiring some supportive educational service. That's part of your supportive educational services for in your environment. They're going to ask and so that's why when we're looking that doctors record until it hits that campus is a treatment record. Until that purpose is morphed into a use for up for either the educational accommodation or the housing accommodation, which is part of a support on the campus. Nowhere to think about it as none of the people involved in the housing decision or providing the housing or treatment providers. Correct. There is no right to expect privacy in that matter. Because in essence you're sharing because you have a need. Think about who this obligation to maintain privacy is too because on your campuses, once you submit that documentation, it's for whom it has to have a legitimate need to know. I'm going to talk about that a little bit, but think about in the function, who needs to know this information to help the student navigate the educational environment. Because it's just like when we're

growing up and you want to tell your mama secret, but not till your dad a secret is one of those need to know basis thing because your mom is going to do a little bit more, that your dad might not lift the finger to go to the store to buy a certain thing you need. But your mom is definitely going to be or add that to the list. It's a need to know concept when it comes to maintaining privacy and labeling records is confidential. **Go to the next slide.**

I'm going to try not to eat up all your time. I'm going to try to talk little. When we think about, we use the term PII, PII all the time or PHI. What is it? Personally identifiable information? What information in a student record?

Tod Massa: Please mute yourself.

Ramona Taylor: When we're thinking about what information is submitted in a record that could probably relate back and I can identify and find that person. We're not talking about private investigator level leaks like a red hair on the pillow. What we're talking about is something in the document that's clearly discernible. Even when I'm looking at records. The basic thing we think about one thing that comes directly to my social security number, date of birth. Of course, your full name, your mom's maiden name. Why is that important? Because now people are so sophisticated. Now they can track that. They can hack a bank account, set up a bank account, do all things. But then you think about the other information that might be, that might of the person's medical conditions. If it's a unique medical condition or if I'm in a closed or limited environment, the disclosure of that condition could now, if the student with cerebral palsy who needed it and then they write it in the summary and there are five students with cerebral palsy you've narrowed the scope. That and if you can go pair it back even more, that information transforms and to be personally identifiable information. Think about it when you write reports, sometimes you take that gender, your gender references, he, she, they, or you take those out because given a fact scenario, it may make the information you're providing or sharing the collective information. It may make it easy to identify the individual that is subject of the record. We have to look at the circumstances of why the record is created and the circumstances of collectively, what is the record really saying?

PI think of PI has more than just social security numbers, more than just date of birth. It's really any information that I could use to identify that person just in and of itself on that. Now sometimes when we're looking at information, think about a picture with a name under it. On college campus that's pretty simple. Does it go that far? It will be different, name, picture, and a disclosure of an image. Do I need consent for this? Or do I not need to consent to share this information? I'll get into that in a little bit also. **Next slide.**

Tod Massa: Before we go on gender, most of you agree with the concept of directory information. Highlight how confusing this can be. You know, that directory information is defined on your campus and it typically includes name and might include birth date. According to the guidance letters issued by the Office of Family compliance at US Department of

Education who oversees FERPA, gender, sex and this goes way back to the early 2000s, can never be considered directory information.

So in Ramona's example of a picture, of a student with a name, well that might be permitted as directory information, including their gender would not be even if their name clearly indicates agenda to most people.

Ramona Taylor: Now, let's think about who defines what you and I might get into director information a little bit later. But who defines directory information? Why is directory information unique circumstance and I know I have a later slide, but I want you to put this in your mind.

Directory information is that information that can be shared or presented without what that initial consent of the person but you can move to opt out of the sharing of the information and there's a distinction in that remember, there's a presumption of consent because it's directory information and you must exercise your opt out ability for your particular information that falls in those categories and not to be shared so that's when we're talking about, remember, I talked about confidentiality. Confidentiality, the label, privacy, the right. There are certain provisions in the federal code because I've just looked at some the other week that you exercise that our exercise because you're receiving money and I'm going to get into this next too from a federal program, there might be some nuances. A lot of times when we're talking about privacy rights and laws, there's overlap. Most of the stuff that we deal with, what you'll deal with this FERPA. If we were in a K through 12 environment, there's IDEA and FERPA and wherever the five or four plan this closes, and there are some FERPA IDEA parallels if in case anyone ever needs them, I have a really great resource for that.

Then we talk about FOIA, the Freedom Of Information Act. You would think, well, why is that a privacy law? Well, FOIA, actually deals with the disclosure or the discretion of a government entity that collects information to disclose particular information, it's about government transparency. But oftentimes, private information is collected like personnel records that go in the HR department or student information, student discipline information. Think about the government entity is collecting this information So there's always a risk and a lot of our institutions are instrumentalities of the Commonwealth so FOIA may come into play. There are provisions that protect the disclosure of certain information, like e-mail addresses without consent.

There's another law called the Government Data Collection and Dissemination Practices Act, it's really look at the face of it is like two pages of summary, but it's basically how does the government collect your data? What are the expectations the government should have in protecting your data? What are the expectations you should have in the government disseminating your data and what are some of the exceptions? Like if you apply for benefits, somebody's got to disseminate your information or process your information and review it and

so there are also protections for the government entity that is using or analyzing or disseminating the information for a particular purpose, governmental purpose. **Next slide.**

Tod Massa: Just for clarity FOIA and the government data collection dissemination Practices Act or Virginia code.

Ramona Taylor: We have some people out of state. I'm so sorry, I forgot about that. The FOIA equivalents across the states are probably not that, I'm trying to think if it was part of a compact, there might've been some overlap with the compact.

We're going to focus on FERPA and on this slide, I'm just going to tell you, FERPA was born out of a unique controversy in the '70s. What was happening is institutions were collecting student information and they were selling into marketing folks and some parents got a little bit upset. Records are flying all over the place and wait a minute, this is my student's information. I don't know if they should sell it and so of course they got the ear of a congressperson who said, I think this is wrong, we should protect the confidentiality of student information hence FERPA was born and so FERPA does a few things:

One it doesn't say student, you own your records that are created by the institution. It says student, if you are the age of majority or have enrolled in an institution of higher education, you have a right to access your records and mandate correction. Or if you're not reached the age of majority, your parents have the right to access those records or if you're a dependent on those parent's taxes, while you're in an institution of higher education, you have a right to access that information. Remember, the custodian of those educational records belongs to the institution so there's no ownership interests that comes with the records. That's why we get into these battles about official and unofficial transcripts. Then it establishes this duty by the institution of higher education to not only maintain confidentiality, but have some guidelines in place about what are the situations in which you can disclose this information? Either with, requiring the person's consent or without their consent so go into the next slide.

Did I do something groovy with it? FERPA one I told you what FERPA was and how it came about, but who does it apply to? Who must comply? Pretty much everybody. If your institution receives federal funds or has been on this list of approved programs like our gear ups and things like that, you're subject to FERPA so that's the entity that must apply. **Go to the next slide.**

When you think of the entity that must apply, think about the people who work for the entity so your administrators, your instructors, your admissions people, your president, your finance people, all of them are subject to FERPA, is the janitor, no because he's not the person either offering services. He's offering a service of clear, but no, he's not the person who uses that record or anything now so we're looking at people who manage the Educational Services or in some way manage the Educational Support Services. Think about, and I've used the word custodian mean person clean because we often get words confused, because we often use the same words. When I say someone is the custodian of the records, I'm talking about the

institution, the person who has a responsibility to maintain and protect and if there's a request for the record process that request under the compound or limitations that the law provides, that custodian, they have a right to disclose without consent only in certain categories. They have an obligation to inform people, when inform a parent or a student their rights under FERPA and if you notice, some of your schools probably have FERPA page. I know if you're in Virginia, you have a FOIA page and you have a FERPA page that so there's some clarification. A lot of times your directory information page is going to make a note about FERPA is to get people notice and then there's the obligation of that institution, remember rights and obligations. Rights relate to, I have a right to do something, obligations are more I have a duty to act. As an institution, I have a right to be able to also use that information if

it is submitted for me, for things that I need to provide for that student on my campus. I have a right to share it with the limitations that are required under the law so we can further provide those services. That's what that really is about. **Next slide for me, thank you.**

Let's think about what is a disclosure, why do we need to disclose? Why is it important? Think about when that student applies to that institution and they say, hey, you can get my college transcript. What just happened in that simple exchange? You can get my transcript here's the authorization to get my transcript.

The sending institution, which is usually the high school, does not release without consent from the student to send to the institution of higher education. I'm going to call you and you send me the transcript. No, because I need to get consent from either that parent or that student to get that record. That's the general nature of a disclosure that we see. That's very common disclosure. You're permitting it's the exercise of a release, transfer, or the sharing or some other communication where you share the information, whether it's a document attached to an email. Now what we're talking about is even that oral request, hey, can you tell me that was a student in good standing? Well, I can tell you anything till I know I have permission. Example, how many of you have students who are in college? Any of you have? When I say students in college, your own personal student, your own child, cousin or something, niece, nephew. You know the first thing hands up. You know who you are and the moment you get on that campus and the school tells them pie in the sky orientation, it's great. Then the first thing you want to know as a parent because you know, you got to send some money. You got to pay a bill. You want to see their grades. You can't call the registrar and say send me Billy Bob's grade. Because the first thing I didn't say that you parent I know you might be paying, but I need some proof that they send you to get their grades. Now, of course, as a parent like me, you do a lot of yelling at kids and say, you've got a sign that form so I can see some grades. But typically the reason they act that way is because who owns that right to consent to the disclosure? That disclosure flows and the way we talked about, what is it? It's really given that information and it can be an oral exchange. It's typically not because most people are scared because it's not documented. But it's really about a record that's identified or identifiable as an educational record going over.

There are some special cases which often happen in your higher education environments where that disclosure doesn't require concerns. Saying, for instance, Billy Bob was in an accident and needs medical treatment. On the form, the emergency contact, we go through the records, found the emergency contact, call mama. Billy Bob is unconscious, can't consent, can't do anything. It's okay to call mama Bill to get help for Billy Bob. But that's one of those unique situations where it's an emergency, police might be involved, medical treatment isn't an immediate need or they'd given consent on some type of form.

Think about the field trip. Field trip, a lot of times we have disclosure forms who can I report, who can I call if something happens to you? Think about what those operators, they may not say purple, but they fall in line with what we're trying to do with the purple disclosure. Next slide, please. Educational interest. Now, we talked about what an educational record is. It's pretty much everything that we're trying to collect from the student. Then we're going to talk about what the student is or how that student is the owner of the record. As long as your student the creative document may fall within FERPA. It's got to be for students. But to get a disclosure for someone to tell them information there has to be an educational interest. Now, think about your institution needs to contact your internship. Do they have an educational interest in that record, if the internship is involved with one of your courses or curriculum? It can't be an interest that dissipates. Say, for instance, student needs to complete a prerequisite to take my class. I can ask, did they meet the prerequisite? That's great. I can get there from. It's really like I said, need to know bases conversation. I thought somebody who's tapping on my door. It's not one of those situations where it would be good to know. Like coach says, I heard Billy was doing great in your class, I'm so proud of him. Do you have to continue this conversation? You might not. Well, I want to know Billy is doing so great in your class because I really liked that boy. Does coach have a need to know? It depends, does coach have a relationship and a policy about performance in class. If this coach is just interested because they like Billy Bob, they don't have a need to know about Billy Bob's grade. That's not an educational interest. Therefore, that would fall outside even though he works there, doesn't have the right to get you to disclose information to them. **Next slide, please.**

Consent. We battle around this whole concept of consent a lot in different environments. But consent is basically, I give you permission in this time to get my information. Now, a lot of times we do it on a form. Sometimes we do it in an email. Sometimes we didn't realize we didn't do it, like with directory information because it's presumed that you are consenting unless you opted out. There are even consent forms and I'll talk about this. Remember when Tod brought up the question about the picture with the name? There are a lot of schools that also have policies on their websites. Hey, we might randomly take a picture of you. We're going to presume that if you opt out of us not using this picture, that you've consented for the use. Really, it's why do we have these consents to prove that when we use it, that the disclosure is a ballot, legally permissible disclosure. A lot of times we get written consents. Sometimes I get video acknowledgment or I told people a lot of times when you are talking, say, for instance, you're in the middle of an investigation or have to talk to someone and you don't have that piece of

paper, you don't have your consent form. You can record the consent. Because remember, a recording is also a document. A recording then becomes part of an educational record. I'm going to break out. Another thing that will come up on part of that educational record, but think about it. You want that consent because if there was ever a challenge about that disclosure, you want to prove you there were legally permissible to operate without their consent, written or otherwise, or that you obtained the consent. **Next slide.**

Now, I think I've already talked about some of these exceptions to written consent. Like the emergency situation, you have an order from the court. I get subpoenas all the time for my various clients and sometimes they're asking for educational records. Why? Because it might be a probation officer of the Federal Court asking to determine some conditions for probation. Or there is a suit and they said, hey, I lost money or I couldn't finish my degree because your client hit me with a car, all of those things are the gamut of things. So if there's a court compelled action, whether it's a subpoena or a court order, I don't have to get your consent. What I typically do is let you know I've gotten it. If you don't want them to get it, you as the person who's the subject cited in the record have to do something.

Now, I don't have to get the consent if you've already said, hey, I'm already enrolled and I want to get some updates or some information or I want to get some transfer records. You've already told us you want us to get the information, so I don't have to have that written consent based on that action. Now, if the student is of a certain age and has a campus violation that is of such a significant level that may actually impact their health or safety. Like when we have these drug and alcohol violations on campus, there is actually a specific clause under FERPA that says you don't have to call that student and get their permission. You can call mom and dad and say so and so was at a party and he was drinking and he had this problem. But that's usually part of it, that's also incorporated. We're moment you just sent law enforcement records. Aren't educational records. Well, if it has to do with student conduct, it morphs and if they use that information or allegation or if that person is picked up and you need to get something done. I don't need their consent to disclose information either verbally or through email to that parent.

Now, for SCHEV, that's why this yellow highlight is there, there is actually provision in the law that obligates institutions to provide records to SCHEV or certain other state agencies. When we're talking about I don't need written consent if law allows it, they're going to tell you like when SCHEV does audits, there are certain provisions where we don't need consent for certain audits of student information, so that's why you need to be aware of some of those exceptions to written consent and that or need to know that there are opportunities to opt out if there's a presumption of consent. **Next slide.**

You want me to cover this? You want to say something? But think about what SCHEV is State Council of Higher Education. It has various departments and one of it has functions to monitor policies for institutions it has obligations to monitor private institutions for compliance of their facilities and data collection and record collection. That's on the business side. But when it

comes to the scholastic record side, there's also a function for SCHEV and that's basically what Tod does. Tod, do you want to chime in on that?

Tod Massa: Yes, thank you. I alluded to this earlier. We've been doing this for a long time. I've been doing it specifically a long time since 2001. As I said we have the authority as very specific authority, we can collect information on self-identify students with documented disabilities. We're not asking for those that only have treatment records, only those that have self-identified saying, "Hey, I need these accommodations or I may need these accommodations. That's what we're asking for. The students who have self-identified during the year and that's it, and the nature of their disabilities. I think 14, 15 categories. It's fairly simple collection, and it will add to what we know about what's going on campuses across the Commonwealth.

The goals are pretty simple. Again, I've mentioned this. We're going to identify the numbers of students with disabilities at the types of disabilities. Slowly developed trends over time. Develop measures of outcomes and students' success. This is where it gets really yippy. Because Ramona has already mentioned this. I can't report the wage outcomes of the five students with disabilities in the aeronautics program at campus B because there's only five students there and likelihood is in our data with the Virginia Employment Commission, maybe only three of them will have employment records. That'd be really easy for people to take a guess who we're talking about there. It's going to be quite likely that we're never going to be able to publish at the institution level certainly not the program level, very specific outcomes. It's not to the world. We should be able to share those with the institutions. With these people at the institutions yourselves, your leadership, your IR offices. Identify areas of need and opportunities to pursue needed resources. Again, that is my positive belief that is what we're going to do. That's what the staff will do. Hopefully, the council will follow suit and be able to convince some money committees to follow suit. But we know that politics and government simply are not that simple. I'm just going to be honest. The goals are lofty, way I have tried to avoid doing this for some time. But as we look at populations that are hidden, because they don't get counted, because there is not good reporting. One of the things we know very clearly, those populations are under-resourced.

For whatever reason. I received an inquiry from a citizen from Hanover County Tuesday evening, wanting to know if I could tell them the counts of individuals with intellectual disabilities within their county so they can get an estimate of service needs for their organization. I don't know and I did some research to try to find some links to help that personnel. But there's a lot we still don't know. There's some better reporting now than there was 10 years ago since it's doing a better job. There's a few states doing some good work with reporting and tracking students with disabilities. Virginia can certainly do a lot better than it has. I'll be honest sometimes these things make me nervous. I'd probably feel the same things that many of you do. I've been around a long time. I've read bar too much dystopic science fiction and too much history. But I also see the students that my wife has worked with that she's still worked with as a tutor. Know that this is not something we can continue to ignore.

When I walk on the campus of Mary Washington, I am just flabbergasted with the numbers of students I see with obvious disabilities on campus was, I think, my God, this is not disability friendly at all. I've spent the last five years pushing a wheelchair around and thinking this is the last place I want to be with any type of mobility problem. But apparently the students are being served as they are in other campuses, but they're finding the campus friendly and they're finding success. I'd like to be able to document that.

That's where we are. I hope we've provided a fair amount of information to you that provides you some understanding and perhaps comfort. No, I am not in the comfort business. We'll take questions and I see a question in the chat now.

[END OF SLIDES]

Ramona Taylor: I'm glad you can see that. I'm not good with certain things.

Tod Massa: Disclosing their status as a student with disability to share. Shouldn't we first let them know this will be released as their disability status considered a special circumstance. How can we be transparent with students about how their data are being used?

The first question, should you let them know you are free to your institution by law, should be making a FERPA acknowledgment somewhere on its website annually that student data is being released to the State Council and other entities on a regular basis. This is not specific to students with disabilities. If you think it is particularly appropriate to share with your students? I'm fine with that. Doesn't bother me in the least. Is their disability considered a special circumstance? No more so than their pill eligibility, their student loan eligibility, their grades, student class level, or anything else?

Ramona Taylor: That last part of the question, how can we be transparent with students? I think that goes back to the information that might be on your institution's website, might be in your policy manual about how information is used, but also that other part of it is remember, we're concerned about privacy and confidentiality. A lot of that information, even though it's shared, how it's used, isn't an aggregate form, so it won't relate back to them. On the other side, I think what you're really asking is how do we reassure them that their privacy is protected? In doing so, know that how the format in which the information is shared or released or used, is in a way that maintains that confidentiality. Does that help?

Tod Massa: For an example of that I would say you can direct them to research.schev.edu as an example of the reports that will be published. Well, there are no rewards specific to disabilities out there yet.

Ramona Taylor: But the other part of it is also you, because of FERPA, it allows you to find your process as long as it meets all the rubrics that purposes you need to do to protect the information. Part of it is you have to disclose. Tell them, hey, we are required to disclose

information to share. This is part of our annual reporting. This is the type of information we will share, and you do it that way.

That's also part of that layer of how to you maintain or create this atmosphere of transparency to the student, I'm going to share your information. But remember, we have assurances that your information is going to be protected.

Tod Massa: I want to say that SCHEV is covered by FERPA. Both because we do have a gear up grant getting early awareness and readiness for undergraduate programs from the US Department of Education. But more importantly, because in receiving data from your institutions, we must maintain the confidentiality and privacy and security of that data. In order to prevent the institutions from having a policy of releasing data to an entity that is not protecting it, which would be a violation of FERPA, which would then put at risk a few billion dollars in title for financial aid. I take this very seriously because everything is due to the success of Virginia Higher Education is actually tied to federal financial aid. We can't escape that. Also, I am subject agencies subject to the Government Education Semination Practices Act. Putting my face on a regular basis. As the lead for the Virginia longitudinal data system, I really have to maintain compliance with that act because I'm trying to share data across a dozen state agencies to answer questions that nobody else can answer. I'm sorry.

Ramona Taylor: I saw a question. It says is there an example of that FERPA statement somewhere? Which purpose statement? Because we can find one and send.

Tod Massa: One for the institutions are required to publish. They need a good example [inaudible 01:04:56] right.

Ramona Taylor: Okay. I'll look for a good one and share and I'll send it via email so you can share it across.

Joan Ehrlich: Okay. Tod and Ramona, this is Joan. I have a question related back to Hillary's question and concern. When Hillary says, we, when we're asked to release this information, something I've been wondering about for a long time are you aware of a specific source on every campus that you go to for that information? The conversations I've had over the last year, it seems like any number of different offices or contacts on each campus are the ones that are approached for that information. I think that in itself is what contributes sometimes to the confusion. I don't know that disability service providers are always made aware that this information is going to be requested, that like you said, that SCHEV has illegal obligation and a legal right to collect that information. I think part of the problem is it sometimes comes at people from out of nowhere and that's what easily throws people off about what they should do or how they should respond.

Tod Massa: Normally, our relationship is with the institutional research, institutional effectiveness offices on campus because they are the ones who do the bulk of state and federal reporting. They're the ones who will be doing this reporting and probably have been engaged

with your offices. I did remind the President's Monday evening of this collection, so they are aware of it. Some of us were made aware of it some time ago as well. Agency institutional leadership is aware of this collection. Hillary, I'm not sure I understand your question, but aggregate form is an entire ID number, which you can then pull so much more information about students. If you're referring to our collection, yes. We are collecting at the individual level based on the ID number and then the categories of disability and that information can then be merged with other data in our system. That is the point. That way we don't have to collect all the demographic data and the education data about the individuals in one record, and we can keep the disability record separate from the other records and use it only when needed.

Ramona Taylor: She had a backup that second part, it says Federal laws to protect individuals statistically that can trump state laws, correct? That's only if there are two laws on the same topic. If there is an inconsistency between them, usually we do the analysis of where's the area of inconsistency. Or like if one doesn't speak to an issue and the other one does, then we can when it comes to protecting an individual's records. That's a concept called Supremacy Clause. If there is no conflict, then both can apply.

One is not better than the other because you're within the confines. If there is conflict, then we usually default to the federal requirement and then do the analysis, if that answers that question. When we're talking about protecting the individual's record, remember, we are as the entity can collect the information. Then once we've collected, the concern then is how is it being disclosed or how's it being sent out. I think that's where some of your concern, now don't see the question anymore, might rest. But remember, we're collecting it for the use to determine program's effective use of resources, things like that. I think our general disclosure is analysis on Tod side, determination is made and something is reported. I don't think this set of data is just handed over to a number of people. Correct, Tod?

Tod Massa: Correct. It's not. I should be clear that I did not say this, but this year is actually a pilot collection which means it's voluntary. It'll be mandatory next year.

To Beth's question, yes. Your IIE office has received this request. It has gone through the system office out of the community colleges and I'm not sure if all VCCS is going to do it this year or not. Given that collection opens next week and you don't know anything about it, I would say not. Which is okay.

Joan Ehrlich: Joan, again, I have another question. As it stands now, it sounds like whatever data you're collecting is by way of a disability services office that has data on students who have disclosed for the purposes of receiving accommodations.

Another concern that I always have is what about, it still doesn't give us the opportunity to measure outcomes for students with disabilities who don't disclose for any number of reasons.

Do you think they'll ever be an opportunity to somehow identify those students through another means in order to measure their outcomes as well?

Tod Massa: Can I say, I hope not? Because this is where I really get agitated. This is not about individual's disabilities, this is about the creeping takeover of big data. Your question is also relevant to veterans. We only know about the number of veterans and military affiliated students on a campus because they have told you, and they have told you because they are receiving a military benefit of one type or another or because they might need an extended absence. But generally, they have no other reason to tell you.

We don't know everybody on campus that's a veteran. We don't know everybody on campus who is of a given race, ethnicity. People do not respond. People lie. Gender, my God, I really am uncomfortable with gender collection. I've only made the most recent adjustment to allow non-binary because the feds did and institutions want to stay parallel with the federal collection. For the most part, if they don't tell you, we're not going to know about it.

Now Hillary has asked a question that is similar that there's an expansion of information DSS offices are sharing with SCHEV this year. Not strictly. DSS is a partner in the Virginia Longitudinal Data System. We have been sharing data through there, but that is strictly de-identified. By the time the data come out of the system, we have no idea who's who, and that is by design. But I really hope we do not get to a point where we're pulling other PII from non-primary sources for identifiable records. I have real problems with that.

The other part of Hillary's question is, next week we'll only be disclosing ID numbers not specific diagnosis, similar to how it was done in years past. It will be the ID number plus a yes or no in 14 categories of a type of disability, such as hearing impaired, vision impaired, so on. Not parallel to IDEA because a number of people got upset about that though that was convenient for me, but something that is more parallel to what most of you all are doing on campus.

Joan Ehrlich: If it's okay, I have two questions that were sent in and I'd like to share those. One person asked; they asked something about the different categories and I think you just mentioned that. The other part of their question was that this office keeps track of temporary disability students and wants to know if SCHEV collects that information?

Tod Massa: Honestly, I don't remember at the moment, but I think we opted not to include temporary disability on the file. Well, I may be wrong about that, but we did have that discussion, but because it is really going to be even less representative of what's happening, I think we opted not to include that.

Ramona Taylor: When you mean by temporary disability, you mean a condition has arisen, say for instance, we consider under certain plans like 504, should consider a pregnant student who is disabled. They're temporarily disabled, but something like that or you broke a leg, and you need an accommodation, you're talking about those types of folks, right?

Joan Ehrlich: Yes. [inaudible 01:16:43] situation.

Ramona Taylor: I could see why you wouldn't share that information.

Joan Ehrlich: Right, then, this is a separate question, and this goes back more to I think the FERPA issues. If a college dean or a division office request medical documentation, to approve a medical withdrawal, are we required to share it with student approval? Should they be requiring to see it? They I guess being the office, or should the relay of the Office of Accessibility, just to assert that the student has a valid reason for medical withdrawal?

Ramona Taylor: That's a little bit more complicated because you're saying the dean of students or an administrator seeks to process a student for a medical withdrawal. A lot of times the medical withdrawal process is not voluntary.

Joan Ehrlich: I'm going to go out on a limb. I think this is a case of a student requesting a medical withdrawal. Okay so. Then the office comes to the accessibility office to say, "We need the students medical records," and then that office wants to know, should we be sharing that with them, or should they just take it on our report that the student has valid reasons for requesting this withdrawal?

Ramona Taylor: So at the point they're making the request, you confirm that it's on behalf of the student, right? Right. Now, they've asked you for records or they've asked you for additional records?

This is just saying medical records. Okay, and you might have medical records or you might not. Which you probably do, right?

Joan Ehrlich: I think that's an assumption that the student has provided medical records to the disability services office. So I see the things already in your hand, you're saying send it. The students has already given their consent because they need it for this educational purpose. Right. Now, the question is additional records, did the student request for additional records? Did the request extent? I would say you need to confirm that because if they're only looking for what you have in your validation upscale, I think you're good with giving them a summary. Do they necessarily need to review the records or are they asking you to review? Can they review the record? I don't think they have the records acknowledge to review, but never mind. I won't go into that. So, are they asking you for an assessment or they asking you for the records?

Joan Ehrlich: According to this, the office is requesting the medical records. I guess whatever the student has already shared with the accessibility office.

Ramona Taylor: If the student has given consent. You can send the records.

Joan Ehrlich: I think the little subtlety here is, I think the person is acknowledging that with student permission, I can share the record. But wouldn't it be more appropriate for the disability service provider to be able to just verify on behalf of the student that yes, there's a medical need or reason, rather than have to share the whole record?

Ramona Taylor: So, there's two different questions. Do I have to give them a record [inaudible 01:20:41]? Can I substitute something? That's an internal process. So, I would offer it, and this

is how I would offer it. It may not apply for them, but I would offer it as say, "Hey, we have records that can confirm what the student is saying. For the sake of making sure we maintain and preserve confidentiality, can we just affirm the student's statements, or affirm that we have documentation to support the student's statement?" That's what I would do in a response, but when you say, "Can you share the records?" Yes, is it better to limit because remember this is about everyone. It has a hand in maintaining confidentiality. It may be that you offer, that you affirm with that argument because you don't know what's going to happen to that record once it gets to the principal's office. I think that's the concern, right?

Joan Ehrlich: I believe so, and also again, I think it's maintaining a certain level of privacy to not have to disclose maybe any more than is really necessary to [inaudible 01:21:50]. That's another part of, because remember that request is about, they don't need the whole medical record. They just need confirmation that the record exists, and affirms what the student says. The student can even limit that, but in their request.

So, I would say check your internal process. Do you have to disclose the request that's been made? You can disclose remember, FERPA is not like FOIA. FOIA is discretionary, FERPA has mandate. If the student gave the consent to give the record, the presumption is the student is thinking you're given the whole record. So, think about what the extent of the student's consent. Think about it that way, but I understand why you're saying wouldn't it be better if, yes, it would be. That's that internal process discussion because remember, when we're talking about FERPA, and we're talking about protecting records. There is a requirement these institutions have processes in place. So, they governed and got their processes which are given towards protecting competency and privacy. So you can make that request a recommendation as long as it's consistent with your internal policy on this type of disclosure, you're good. Okay,

Joan Ehrlich: Thank you.

Tod Massa: For those of you who are not following the chat, I was incorrect. I checked with myself. We are including a temporary disability. We're not being specific because what we're doing is just looking over the course of the year, basically, the individual request accommodation. We're trying not to be too intrusive.

Two, any questions about documentation? The student asked you and you agreed they needed support, accommodation, then that is all the documentation I need. I am not going to come and audit these data and say, "Well, you said this person had these impairments, let's see evidence." No, we're not going to do that. For any reason, we're not going to do that. That is a level of micromanagement that this office will not ever engage in. We have more than enough to do. We're trying to serve in order, our colleagues, our council, when we report to the administration. The General Assembly, the citizens of Virginia, and whoever else we owe money to, throw what it comes down to.

My goal is we want to help Virginians find whatever excellence in their life they're looking for. I grew up on college campuses this is where my life has been. As I've said, I read too much this

topic, science fiction, too much history, do not be sensitive to concerns about privacy on this issue or range of other issues.

But you do have my promise that we will do this respectfully throughout the entire process. Because all we want to do is meet one the requirements that the Council has set for us and to help serve Virginia students better and if maybe make your jobs a little bit easier. That's what it takes to serve Virginia students better.

Joan Ehrlich: I have a question that just came in in the chat. Is it possible for us to see the data points that were sent out by SCHEV, it might be helpful for us to start thinking about what data they are hoping to collect for when it becomes a mandatory request?

Tod Massa: Yes, we can share that as well. Happy to do so.

Joan Ehrlich: I can send that with me and then I can ask Scott Guebert to help send that out. He's our communications manager.

Tod Massa: Okay.

Joan Ehrlich: Thank you.

Tod Massa: You're welcome.

Joan Ehrlich: How will any of this be reported back to the colleges? When will it be?

Tod Massa: Well, we're going to see how much data we pick up this year, and then we'll make a decision about how we're going to let folks know of the outcomes. Quite likely we might ask you to let me come back and share the results with you and say, hey, this is what we learned this first go round.

Joan Ehrlich: You have an open invitation.

Ramona Taylor: Yes, from Tod, y'all take it. I forgot.

Joan Ehrlich: I don't know if you would know this Ramona, but who do you think on college campuses, if people have these murky questions? Sometimes because FERPA, you really spelled out an awful lot today that was exceedingly helpful and I thank you for that. But I'm sure there's still those questions people are not sure of. Should we think that there's somebody in a particular position on campus that would be a good or does it usually just get assigned to any different number [inaudible]?

Ramona Taylor: Actually, on our Virginia campuses, especially the public campus as most people go to university council or college counsel up for those general questions. But a great resource on FERPA is generally the registrar because they receive a lot of the requests. Your registrar knows general information about FERPA about the training needed. Disclosure deadline. Usually most people don't know that is why I laugh when people think they are

making a FERPA request when they probably want to FOIA request. FOIA you have to respond in five days. FERPA has 45. It's kind of a drag.

Things like that, your council will know. Usually, if there's not that general resource of a person who processes document requests, go to counsel. The nuance of who discloses what's an educational interest? Do I have proper consent? Those are nuanced questions. Sometimes, you're more likely going to your college attorney for those questions.

Joan Ehrlich: Thank you. I think I'm getting some questions sent to me directly, so if you don't mind, I'll just draw these out. Somebody asked, how will I know if my college has been requested to send data to SCHEV?

Ramona Taylor: That'll be a Tod question.

Tod Massa: I think you should have a point of contact person, right? Yeah, it will be your institutional research, institutional effectiveness person normally and if you tell me your college, I can tell you who that would be. But between the publics and the privates there's 80 or 90 people that it could be. But every institution has an assigned reports coordinator.

Joan Ehrlich: While we're waiting to see if I get the name of that college, another question is, will they also be surveying the students about their experiences with the Office of Disability Services?

Tod Massa: Not as a part of this, no, that's as we're not asking for anything like that. Surveys are for people that don't have real data. I'm not asking, I try to minimize the work I ask others to do and we're not asking for anybody to survey anybody.

Joan Ehrlich: Thank you. There's one coming in, I think.

Tod Massa: I know its college the person was asking about, I'm trying to get an answer now.

Joan Ehrlich: Thank you. Maybe not. I thought somebody was typing and maybe she is. I'll just give her another. Anyone else have any questions while we wait and see if one more comes in?

I'm going to ask us a question of Ramona, I think you referred to this a little bit. We have situations happening where a parent will insist on speaking. They want to talk to a professor, let say about the student how just very specific things. Are they coming to class and are they whatever, participating those things or they just want to have a meeting to talk about the student and of course they'll start off with, well, I have a FERPA waiver or form sign, whatever however they refer to it. Can you just clarify for us? It's my thinking that that does not obligate the professor to have that degree of a conversation. Can you clarify?

Ramona Taylor: Because remember the purple waiver is for the person to have access to records. Remember and so when you're speaking to activities and things like that, I do believe you need an extra level of consent because they're not asking for access to records. They're

asking for access to [inaudible 01:33:56] professor. They can make inquiries that may or may not be documented in a record.

Remember the whole nature of a record. Usually, a record is something we can put our hands on.

Joan Ehrlich: Right and so what I'm wondering is there some cut off, some point, where the professor has the discretion. In other words, the student might grant the permission, but the professor would have the discretion to say, "Well, I'm not comfortable going into that much discussion absent the students."

Ramona Taylor: What could happen is that you because remember the FERPA, usually when we do those FERPA releases or waivers it so that parents can know the grades. Where the parent can know. What you can it depends on how detailed your FERPA waiver is because if it grants them permission to call a professor, then the professor needs to be aware that parent has a right to call you and make an inquiry about a record, so at some point the professor can say, Hey, I understand you have interests in so and so's records. They can even say I don't keep attendance or based on my attendance. The person comes to class. They can respond to a records request, but I understand and I have often advise my clients to confirm the extent of which the parents inquiry is and then confirm that the student gave them that requisite level of consent or confirm that the student continues to give consent because what have I learned? In my many years of being a university council, it's usually the parent. They'll say they have it and they don't. It could be stepmom, it could be stepdad, it could be a strange dad parent trying to look for information and get back another parent. I've had those situations, so I often confirm with the student, Hey, your parent reached out to us and wanted some follow up information. It's that they said you gave him a FERPA consent. Please confirm what you'd be more comfortable if you were with us when we disclose this information or can we provide you the information to give to them? Then what we'll say is, we reached out, your FERPA form was either incomplete or it had expired or whatever. We determine and then we have a we have provided the information to your child due to the nature of your incomplete FERPA or not having a FERPA or the FERPA not granting you the information that you saw.

That's the work run so you get out of the middle of helicopter period, like me calling about grades and I can scream at my kid or hello another strange parent who is mad because they're still paying for child support, whether kids in college and they don't think mama is doing the right thing. I've seen those.

I gave you a real-world situation of response, but really what you're looking at is really that professor as the custodian of a record. Remember, not all the professor's records or FERPA records. Remember I told you I keep that little roster so I can know the little things that professors' roster is not a FERPA record, but a lot of times as professors, we keep a digital record of attendance. That record of attendance has a lot of other students' information on, so we're not giving them a record. What we're doing is disclosing information. Remember, hard-

copy, it's a hard copy or did that student give me permission to have this conversation to disclose this information? Because I'm not disclosing of record. I'm disclosing information in the record. As long as that students says I can give them the information. I can say they've talked to me and I've been able to give you this information. I can't really give you much more than that. You can cut them off. I think that's where the professor doesn't want to have a long drawn out conversation about. Or they come into class dress verbally, what shoes are they wearing? Where are they eating? They don't because that's not their knowledge. That's not their information. Are they coming to my class? Do they have a passing grade is really the limit of the disclosure they should be able to offer?

Joan Ehrlich: Thank you.

Ramona Taylor: I hope that was helpful because it was a lot. I'm trying to give you because I've seen some stuff.

Joan Ehrlich: Well, I'm going to put it out to my colleagues one more time. Somebody's thanking you. We have two experts here. We can take advantage of their generosity for a few more minutes, or we can let everybody go and have a nice rest of the day. I'm sure we'll have plenty more questions after this. But thank you both again for really clarifying a lot of questions that many of us had about the data collection and confidentiality and privacy concerns. This is exceedingly helpful.

Ramona Taylor: We thank you for inviting us.

Joan Ehrlich: Well, thank you. We're getting lots of thank you if you guys want to log off, I'm just going to say goodbye to the team here and let you go about the rest of your day.