

Ethical Use of Student Records

Schools almost always have maintained records of an individual student's academic performance. Over decades, the scope of these records has expanded greatly and now commonly includes health records, disciplinary records, information about learning disabilities, and family income. Schools now store this data electronically. In 2005, the federal government began awarding grants to develop Statewide Longitudinal Data Systems (SLDS) designed to track students from kindergarten through college and beyond. In 2009, the U.S. Department of Education made creation of an SLDS mandatory for any state that wanted to win funds under its "Race to the Top Program."¹

The rationale usually given for the development of such databases is that they can provide information that will lead to more effective teaching and learning. Other arguments suggest that such data potentially can protect against public health epidemics or prevent tragedies such as school violence by mentally ill or emotionally disturbed students.

In the past half century, many people have expressed concerns about the privacy of students' records and the potential misuse of such records. In 1974, Congress attempted to deal with these issues by passing the Family Educational Right to Privacy Act (FERPA). Under the law, students' rights to privacy regarding their educational records are afforded some protection.

John Smith, a former student, sued Gonzaga University in Washington State for violating his rights under FERPA, along with other claims. John had planned to become an elementary school teacher. At the time, Washington required all new teachers to obtain an affidavit of good moral character from a college or university official in order to obtain teaching certification in the state. "In October 1993, Roberta League, Gonzaga's 'teacher certification specialist', overheard one student tell another that John had engaged in acts of sexual misconduct against Jane Doe, a female undergraduate. League launched an investigation and contacted the state agency responsible for teacher certification, identifying John Smith by name and discussing the allegations against him. John did not learn of the investigation, or that information about him had been disclosed, until March 1994, when he was told by League and others that he would not receive the affidavit required for certification as a Washington schoolteacher."²

¹ Kametz, Anya. "What Parents Need to Know About Big Data and Student Privacy." NPR (28 Ap 2014).

² <http://laws.findlaw.com/us/000/01-679.html>. "Gonzaga University vs. John Doe.