Association's website or can be located by searching online for "State Privacy Laws Regarding Library Records."

The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the confidentiality of K–12 and post-secondary students' education records. The U.S. Department of Education's Family Policy Compliance Office (FPCO) has not formally issued written guidance on whether student library records are considered education records nor are library records listed as examples of such records. However, library records do meet the definition of an education record. A student's library record has direct personally identifiable information about the student and is maintained by a school or other educational agency. As such library records cannot generally be disclosed without written parental consent unless there is an exception to the consent requirement listed within FERPA.

The circumstances when FERPA allows the release of education records without written parental consent are listed under 34 CFR § 99.31 of the law and summarized here. These include disclosure to designated school officials with "legitimate educational interest," under health and safety emergencies, and under other exceptions such as a court order or subpoena

For more information related to school library records as education records, contact the American Library Association's Office for Intellectual Freedom

Scenarios 1- 4: Overdue Items and Privacy

1. A first grade student has not returned a book to the library, and it is several weeks overdue. Should the school library worker send a note with the title to the student's classroom teacher or speak to the student again during the class's scheduled library period?

What should you do?

The library worker should have a discreet chat with the student asking for the book to be returned. Showing the student a photo of the cover of the book on the library catalog is often a great technique to trigger the student's memory. This quiet conversation preserves the confidentiality of the student's library account. Although students' privacy should be protected, very young students often have difficulty keeping track of the library books without the assistance of an adult. The classroom teacher or parent or guardian may need to become involved.

2. A high school junior failed to return multiple books used for a class assignment. Is it permissible to send individual printed overdue notices listing the titles to a classroom and ask the teacher to distribute the notices to the appropriate students?

What should you do?

A classroom teacher can distribute an overdue notice to a student if it is stapled closed with the student's name visible. The teacher should make no comment and leave it on the student's desk. This will c @ ư ư ɔ ᴰ l ᵀ l ᴰ ʁ @ s

Of special note to those working in elementary libraries, the collection is purchased to support children of a certain age and book review journals do an excellent job of describing titles suitable for children at a variety of grade and maturity levels.

Scenarios 7- 8: Surveillance or Monitoring Software

7. Every high school student is issued a Chromebook. Software the district uses to filter the internet has a new feature that allows parents to look at the search history of their student. The principal wants an unsolicited message to go home to all parents/guardians every Friday with this information. There has been a spate of cyberbullying, and he thinks this might curb it. Students have not been informed that this will happen.

How should you respond?

There are few privacy protections for minors using school-issued hardware and networks, and the expectation of lack of privacy online is often included in an internet safety policy. To remind students of the school's policy, library workers should post signs near the circulation desk, close to catalog computers, and on the library website informing users that surveillance software is being used and that weekly reports of their search histories are automatically sent home to parents/guardians.

8. Special education students have accounts in an ebook service and use it to access novels for their English class. They can also post notes and see their reading history. Teachers have an access level allowing them to look at student accounts to see how many pages have been read. Several special education teachers have decided to monitor students' reading progress.

Explain whether this is an invasion of student privacy rights.

It could be argued that such covert observations are supported by the "legitimate educational interest" by a school official exception in FERPA, section 34 CFR § 99.31. However, at the very least, students should be informed that their online use will be monitored by their teacher. Library workers should try to protect student privacy by encouraging teachers to speak with students rather than secretly surveil the number of pages read or notes written.

Scenario 9: Personal Reading Records

A library worker is interested in helping junior high school students keep track of what they've read over the course of the school year. He could easily issue a report for each student but would have to change the circulation software settings to keep historical checkout data for each student. Is this something that should be done?

While it is tempting to provide reports to young readers, it is not advised because personally identifiable information is linked to users' records for a timeframe that is much longer than one typically needs to maintain an accurate inventory of library circulation. To maintain students' privacy, library workers should adjust settings to erase personally identifiable information as soon as it is no longer needed to operate the library.

Is encouraging students over age 13 to use a free social cataloging service like Goodreads acceptable?

Free social cataloging services can be used by older students to keep track of their reading history. Students must meet the age stipulations and understand that the information they share is not private.

Scenario 10: Labeling Book Spines with Reading Levels

The school district has instituted a new reading curriculum, and classroom teachers are eager to have the spines of books in the school library labeled with reading level designations. They think this will help students make a better match between their reading abilities and the reading level of the books.

How should you respond?

Everyone using the library has a right to privacy when it comes to selecting books and divulging one's reading skill. Adding reading level stickers to library books unintentionally announces whether or not reading is a struggle. One's reading ability is a private matter, and a student should not feel ashamed when learning how to read.

Library workers can add labels to books promoting award winning titles, genre, or new acquisitions but should never add reading level stickers. Library workers should educate students on how to determine if they can read independently or if it would be too difficult and may require some reading suppor 792 t StChting k(he li)4(Amui)4rieAsl

checking out is to tap the Reset button. Many students forget this step allowing the next student in line to see what the previous student checked out.

How should you respond?

Speak with the principal and ask what problem they are trying to solve by having students check out their books on an improvised workstation. Perhaps they think this will reduce staffing needs in the library or that students will gain computer skills. Inform them that student circulation records are confidential and that library personnel must keep that information private. Students should not have access to each other's accounts. Many students are unable to accurately check out their library materials without prompts from a library worker. Inaccurate scanning of materials reduces the accuracy of the inventory and often leads to problematic situations where a student finds they have the wrong books checked out under their account. This leads to uncomfortable conversations with library personnel and many lost materials that can't be borrowed by those who request them.

Scenario 12: Vendors and Student Privacy

The district has been an early adopter of software that promotes reading. One of the company's marketing tools is to promote the many charts and graphs that can be built based on data collected from users. The company would like to use the district's data set to create more reports that can be marketed to

relocate it and several others of similar content to the library office or workroom until interest fades.

How should you respond?

Parents have the right to monitor what their children are reading (paragraph 7), but that right

monitored to assure safety, but students would still have a measure or privacy when selecting materials.

Additional Resources

For additional information for protecting students' privacy in a school library, check out:

Privacy and Confidentiality Q&A (Section IV. Minors Rights; questions 28-31)
Library Privacy Guidelines for Students in K-12 Schools