

### **FERPA's Recordkeeping Requirement (34 CFR § 99.32)**

We informally contacted eight school officials – three officials at elementary/secondary school districts and one official at an elementary school and four officials at postsecondary institutions. Most of the schools we contacted use a paper-based system for recordkeeping, while some of the postsecondary institutions use both paper-based and electronic. From our informal review, it is clear that the recordkeeping is done at the individual school (as opposed to the school district at the elementary/secondary level) and the individual postsecondary institution. We estimate that an average of .0833 hours (5 minutes) per disclosure is required for the recordkeeping requirement. The average number of disclosures of individual student records per year is based on responses from the eight school officials. (Based on the type and size of the school, the number of releases vary.)

It is not clear that schools recognize that FERPA requires that they record disclosures made of personally identifiable information from students' education records to State authorities, such as when a school discloses personally identifiable information on all students in attendance to a State education department on the elementary/secondary level or to the State postsecondary educational authority on the college level. Without more information on the practices of schools in this regard, it is difficult to accurately estimate the specific burden hours for this recordkeeping requirement. However, we assume that many of these schools, especially at the postsecondary level and more urban school districts, utilize computerized methods to record disclosures, which would make it less burdensome to record disclosures for large numbers of students. Where there are large numbers of disclosures and no computerized method is used to indicate that a disclosure occurred, FPCO has advised schools that they may utilize a single notice about the mass disclosure. When a parent or student requests access to his or her record of disclosure, the school may provide the notice with the information concerning the disclosure to the parent or student at the time of the request, thereby minimizing the burden on the school. However, because these recordings are not exempt from FERPA's recordkeeping requirement, we have included an estimate for the burden of recording disclosures of all students in attendance to State authorities. We estimate that schools must share this information with State officials twice a year and estimate that it would take schools 1 hour to either make the recording via their computer system or develop a notation and make it available to parents or students asking to inspect this record. As explained elsewhere, it is our administrative experience that few parents and students request to see this record.

For the general recordkeeping requirement of § 99.32(a) for recordation of individual disclosures, following is a breakdown of individual schools (public elementary, secondary, or combined) and postsecondary institutions:

|                                      |                  |
|--------------------------------------|------------------|
| No. of Schools:                      | 97,382           |
| <u>Average No. of Disclosures: x</u> | <u>192</u>       |
| # of Responses                       | 18,697,344       |
| <br><u>Hours/Response: x</u>         | <br><u>.0833</u> |

|              |           |
|--------------|-----------|
| Burden Hours | 1,557,489 |
|--------------|-----------|

|                        |       |
|------------------------|-------|
| No. of Postsec. Inst.: | 6,463 |
|------------------------|-------|

|                                      |            |
|--------------------------------------|------------|
| <u>Average No. of Disclosures: x</u> | <u>192</u> |
|--------------------------------------|------------|

|                |           |
|----------------|-----------|
| # of Responses | 1,240,896 |
|----------------|-----------|

|                          |              |
|--------------------------|--------------|
| <u>Hours/Response: x</u> | <u>.0833</u> |
|--------------------------|--------------|

|              |         |
|--------------|---------|
| Burden Hours | 103,367 |
|--------------|---------|

|                                           |           |
|-------------------------------------------|-----------|
| Elementary/Secondary School Burden Hours: | 1,557,489 |
|-------------------------------------------|-----------|

|                                     |          |                |
|-------------------------------------|----------|----------------|
| <u>Postsec. Inst. Burden Hours:</u> | <u>+</u> | <u>103,367</u> |
|-------------------------------------|----------|----------------|

|                                                                  |           |
|------------------------------------------------------------------|-----------|
| Total Burden Hours for recordation<br>of individual disclosures: | 1,660,856 |
|------------------------------------------------------------------|-----------|

For the recordkeeping requirement for disclosures of all students in attendance to State educational authorities, following is a breakdown of individual schools (public elementary, secondary, or combined) and postsecondary institutions:

|                 |        |
|-----------------|--------|
| No. of Schools: | 97,382 |
|-----------------|--------|

|                                      |          |
|--------------------------------------|----------|
| <u>Average No. of Disclosures: x</u> | <u>2</u> |
|--------------------------------------|----------|

|                |         |
|----------------|---------|
| # of Responses | 194,764 |
|----------------|---------|

|                          |          |
|--------------------------|----------|
| <u>Hours/Response: x</u> | <u>1</u> |
|--------------------------|----------|

|              |         |
|--------------|---------|
| Burden Hours | 194,764 |
|--------------|---------|

|                        |       |
|------------------------|-------|
| No. of Postsec. Inst.: | 6,463 |
|------------------------|-------|

|                                      |          |
|--------------------------------------|----------|
| <u>Average No. of Disclosures: x</u> | <u>2</u> |
|--------------------------------------|----------|

|                |        |
|----------------|--------|
| # of Responses | 12,926 |
|----------------|--------|

|                          |          |
|--------------------------|----------|
| <u>Hours/Response: x</u> | <u>1</u> |
|--------------------------|----------|

|              |        |
|--------------|--------|
| Burden Hours | 12,926 |
|--------------|--------|

|                                           |         |
|-------------------------------------------|---------|
| Elementary/Secondary School Burden Hours: | 194,764 |
|-------------------------------------------|---------|

|                                     |          |               |
|-------------------------------------|----------|---------------|
| <u>Postsec. Inst. Burden Hours:</u> | <u>+</u> | <u>12,926</u> |
|-------------------------------------|----------|---------------|

|                                                                       |         |
|-----------------------------------------------------------------------|---------|
| Total Burden Hours for recordation<br>of disclosures of all students: | 207,690 |
|-----------------------------------------------------------------------|---------|

|                                                                          |                  |
|--------------------------------------------------------------------------|------------------|
| <b>Total Burden Hours for recordation<br/>of individual disclosures:</b> | <b>1,660,856</b> |
|--------------------------------------------------------------------------|------------------|

|                                                                               |                |
|-------------------------------------------------------------------------------|----------------|
| <b>Total Burden Hours for recordation<br/>of disclosures of all students:</b> | <b>207,690</b> |
|-------------------------------------------------------------------------------|----------------|

|                                           |                  |
|-------------------------------------------|------------------|
| <b>Total Burden Hours for Recordation</b> | <b>1,868,546</b> |
|-------------------------------------------|------------------|

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The number of school districts and the number of postsecondary institutions subject to FERPA is based on the number of public school districts and the number of Title IV postsecondary institutions, as reported in the National Center for Education Statistics' (NCES') Digest of Education Statistics. See [http://nces.ed.gov/programs/digest/d07/tables/dt07\\_005.asp](http://nces.ed.gov/programs/digest/d07/tables/dt07_005.asp). The number of affected schools reported to OMB in previous years was higher, but we believe this number that is based on NCES' count is more accurate.