



# Legal & Technical Implications for College & Career Advising in a Virtual Space

Friday, August 14, 2020



# Agenda

- Welcome & Housekeeping
- Take a Deep Breath
- Breakout Groups Check-in: Get to know a colleague!
- Presentation: Susan Goldammer, Missouri School Boards Association
- Announcements & Resources
- Wrap Up & Adjourn



# Housekeeping

- **Give yourself – and others – grace and space right now.** Children and pets may walk into the room while we are together. Someone may misspeak because they are tired. Let's be mindful that we are all doing the best we can.
- **Abide by the [PDI Meeting Agreements](#)**
- **Please remain on mute unless presenting.**
- **Do what's best for you.** Join us by video if you can. It's nice to "see" you! But we understand if your current situation means it's best for you to be here on audio only.
- **Use the Chat function to react to a presenter or to ask a question.**
  - "Private" chat is not private – it shows up in our chat log we send out. FYI!
- **This session is being recorded.** We will post notes, chat log and video recording to the St. Louis Graduates' website. The link will be sent out after the meeting.
- **Please complete the evaluation survey!** It's important to our planning and for reports to our funders. You'll receive it via e-mail today.



# Upcoming PDI Workshops!

All workshops are online and held on Fridays at 10 AM.

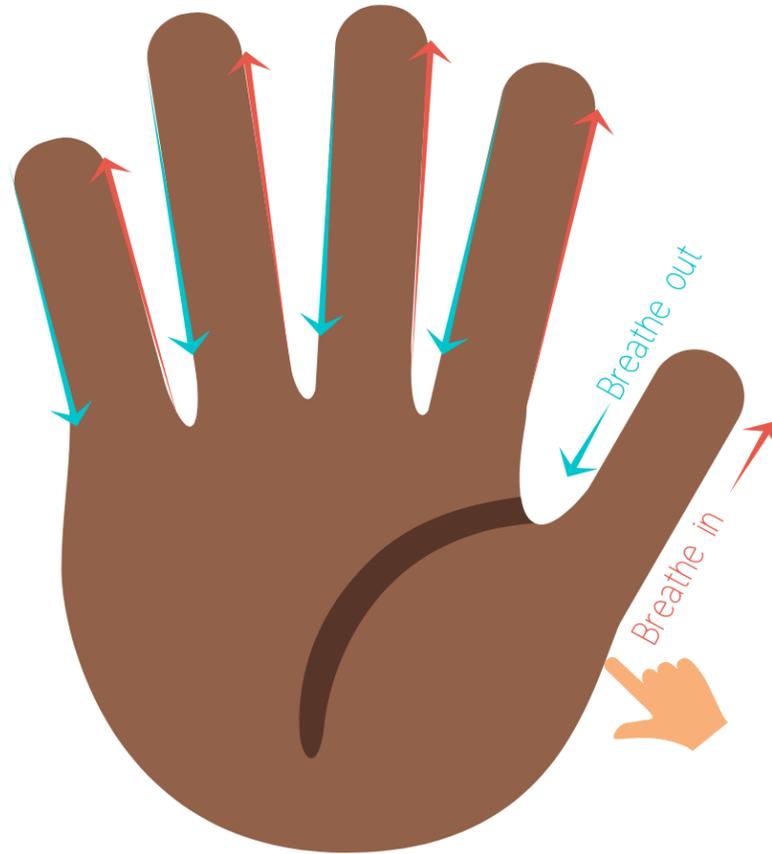
- August 28: [Student/parent/family engagement in a virtual space](#)
- September 11: [Admissions insights by institutional selectivity](#)
- September 25 (with MASFAP): [Financial aid considerations for students with special needs/circumstances and changing family income](#)
- October 9 (with MASFAP): [FAFSA walk-through and completion strategies](#)

[Visit our website for the full list of Fall workshops](#)

*All workshops are free to counselors and access advisers thanks to support from  
Norman J. Stupp Foundation, Commerce Bank trustee.*

# Take a Deep Breath

## 5 Finger Breathing





# Check In – Let's Connect!

Check In:

**Each person takes 1-2 minutes \*uninterrupted\* to introduce themselves:**

- **Name**
- **Role and organization**
- **What is one thing you are looking forward to this school year?**

How it works:

- In a moment, you'll be invited to join a Breakout Room in Zoom. Click join.
- You'll spend 5 minutes in a breakout room with 2-3 other people
- You'll automatically be brought back to the main room after 5 minutes.
- At anytime you can click to return to the main room.
- Practice intentional listening. Acknowledge, nod, but do not interrupt. Allow each person to be heard.

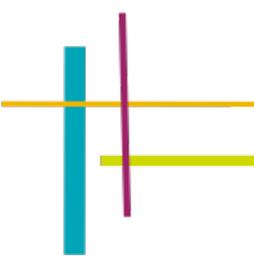


# The Law and Virtual Counseling

Susan Goldammer

Missouri School Boards' Association

goldammer@mosba.org



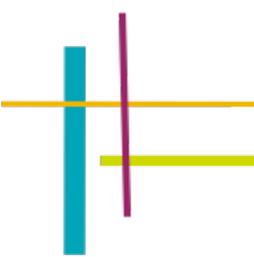
# Electronic Communications with Students

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- Make sure you are following your district's policy and supervisor's direction.
- 162.069, RSMo. requires every public school district and charter school to have a policy on appropriate communications between staff and students, including electronic communications, to prevent "improper communications."
- MSBA Policy GBH

# Electronic Communications and Policy GBH

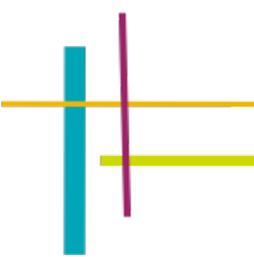
- Note: Not all districts have this policy and some that do have revised it so read YOUR district's policy.
- Communications limited to 6 a.m. – 10 p.m.
- Must use platforms provided or approved by the district.
- Must have permission from supervisor to use personal accounts (texting, social media, etc.) to communicate with students and the parents must be notified.
- If questioned, you need to be able to demonstrate that communication is appropriate.



# Be Professional

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- Maintain professional boundaries with students.
  - You are a mentor, not a friend.
- Use appropriate language at all times.
- Spelling and grammar!!!
- Act like you are being listened to or watched or your communications are being read.

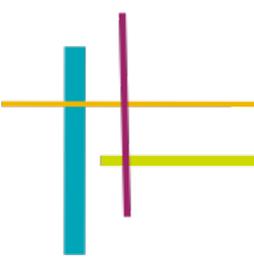


# Don't Be a Creepy Counselor!

- A reality in schools or any organization that serves children.
- Concerning behaviors:
  - Texting, Snapchat, or using other social medial platforms not sanctioned by the district to communicate with students.
  - Excessive messages to an individual student.
  - Timing of messages (late night, weekends)
  - The content of communication includes discussion about your personal life, immature or sexual discussions, discussions about a future relationship



Which electronic platform(s) does your district use or make available to you for communicating with students?  
(Type in the chat box!)



# Apps and FERPA

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- Many districts rushed to go online in the spring.
- Teachers began using “free” applications to communicate with parents and students.
- Data mining: Nothing, nothing is free.
- Under FERPA, districts cannot share personally identifiable student information with a vendor unless the vendor agrees in writing not to redisclose the information.
- **Do not assume that because the vendor tells you that they are FERPA compliant that it is true!!!**
  - Read the fine print or have your lawyer read it.



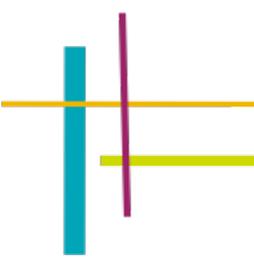
# Legal Confidentiality and Virtual Counseling

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- Family Educational Rights and Privacy Act (FERPA): Primary confidentiality law.
  - All schools and colleges that accept federal funds must comply with
- HIPAA: NOT applicable to school records or school counseling unless counseling is provided by a school-based health clinic separate from the school district.

# Family Educational Rights and Privacy Act (FERPA)

- Rule #1: Student records and information contained in student records can only be released with written consent from a parent or an eligible student OR in accordance with one of the FERPA exceptions.
- Rule #2: Parents and eligible students have the right to inspect records and request amendment of records
- Parents and eligible students must be notified of their FERPA rights annually – check student handbook



# FERPA Exceptions: School Officials

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- Disclosure to school officials with a legitimate educational interest
- Contractors, consultants, volunteers may be considered school officials IF:
  - a) They perform a function an employee would have had to do
  - b) They are under the direct control of the district
  - c) They agree not to redisclose the information

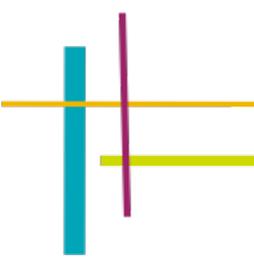


# FERPA Exceptions: Health or Safety Emergencies

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The disclosure is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals

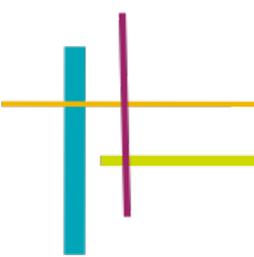
- Totality of the circumstances
- Articulable and significant threat
- If rational basis, U.S. Dept. of Ed will rely on school's decision



# FERPA Exceptions: Directory Information

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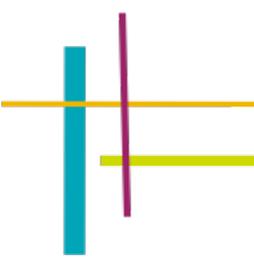
- The disclosure is of “directory information.”
- Information that would not be considered harmful or an invasion of privacy if disclosed.
- Ex. name, address, telephone, photograph, dates of attendance, honors and awards, etc.
- NOT: social security numbers, ID numbers, discipline records, office referrals, poor grades, classes repeated, etc.
- Check student handbook



# FERPA Exceptions: Transfer/Enrollment

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- Disclosure to officials of another school, school system, or postsecondary education where the student seeks to enroll or has enrolled for purposes of enrollment or transfer
  - Must make a reasonable attempt to notify the parent or eligible student that the records have been requested unless the parent/student initiated the request or annual notice states the district will forward records



# FERPA Exceptions: Financial Aid

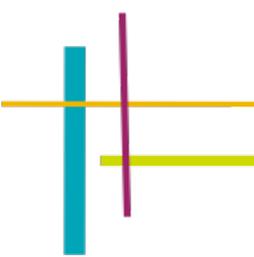
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Disclosure is in connection with financial aid for which the student has applied or received if necessary to determine:

- a) Eligibility for the aid,
- b) Amount of the aid,
- c) Conditions of the aid, or
- d) Enforce terms and conditions of the aid

# Legal Confidentiality and Virtual Counseling

- What are you discussing with students virtually?
  - If it is not part of a student's education record than it is not protected by FERPA.
  - If it is about a student's education record, the student and his/her parents already have access.
- What strategies can you use to make conversations more confidential (even if they are not required to be)?
  - Encourage students to use earbuds, go to a private room, communicate in writing, ask student who else is in the room at the beginning of every conversation so that you are aware.



# Recording Counseling

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- Should I record my sessions with individual students?
  - Issue: Now you are creating a FERPA record!
- Do I need a student's permission to record?
  - Check district policy.
  - Policy KKB: allowed for security purposes, for staff professional development, for educational purposes or to further the educational mission of the district
- Do I have to tell them that I am recording?
- How long does the district keep the recording?
  - Unclear.

# Protection of Pupil Rights Amendment (PPRA)

Applies to surveys, analysis or evaluations of student or student's family on:

- political affiliations or beliefs;
- mental or psychological problems;
- sex behavior or attitudes;
- illegal, anti-social, self-incriminating, or demeaning behavior;
- critical appraisals of student's family;
- legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- religious practices, affiliations, or beliefs; or,
- income (other than legal assistance programs)



# PPRA

- If survey is funded by the U.S. Department of Education, must have written consent from parents prior to survey
- If funded in some other way, must notify parents and give them an opportunity to opt out

Education

# 10,000 St. Louis Students Will Take Social-Emotional Health Survey Next School Year

St. Louis Public Radio | By [Ryan Delaney](#)

Published July 9, 2019 at 3:22 PM CDT



search





# COVID-19 Stigma

- New reason to harass/bully students.
- Also a problem because it discourages students and parents from telling the district when a student tests positive.
- What measures will your districts take to protect the confidentiality of a student who tests positive?
- Should you check up on these students to make sure they are not being stigmatized?



# Virtual Help

- Virtual information on emergency hotlines.
- Advertise virtually to students:
  - Child abuse and neglect hotline
  - National suicide prevention hotline
  - Courage2Report

# Missouri Course Access and Virtual School Program (MOCAP)

- §161.670, RSMo.
- Allows vendors to register with DESE to provide virtual courses to any student enrolled in a public school.
- Requires school districts to advertise MOCAP on website and in student handbooks.
- Parents/Students can choose any vendor and course in the MOCAP catalog and attend at the district's expense, even if the district offers the same course or has another virtual option.
  - Exception: Not in the best interest of the student.

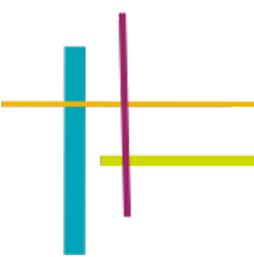
[About ▾](#)[Course Catalog ▾](#)[Pay for Courses](#)[Districts](#)[Help](#)

## MOCAP Course Catalog

### Courseware Providers

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- [Accelerate](#)
- [Acellus](#)
- [Connections Academy](#)
- [Edgenuity](#)
- [EdisonLearning](#)
- [Edmentum](#)
- [Greenways](#)
- [Launch](#)
- [Mizzou Academy](#)
- [MOVA](#)
- [Odysseyware](#)
- [SchoolsPLP](#)



# MOCAP

- See Policy IGCD.
- These students are still considered enrolled in the district and will obtain a district diploma.
- The district gets the MAP and End-of-Course exam scores!
- These students can still participate in extracurricular activities unless you prohibit all students attending school virtually from extracurriculars or there are MSHSAA rules that prohibit.



Questions?



# Announcements & Resources

## Announcements:

- Anyone have things to share?

## Resources:

- [Scholarship Foundation Guide to Effective Online Learning](#)
- [Scholarship Foundation Do the Math Guide to College Costs](#)
- [Scholarship Foundation Financial Aid Basics video series](#)
- [Scholarship Foundation 2020-21 Colleges – Key Factors & Announcements spreadsheet](#)
- [US Higher Education value vs vulnerability dataset](#)

COVID-19 RESOURCE PAGE



# Check Out

Type into the Chat: 1 word to describe how you feel after today's workshop.

Please complete the [short evaluation survey](#) (also sent to you via e-mail)!

STAY SAFE. STAY WELL. DO YOUR BEST.

THANK YOU!