

# Skill Sharing: Requesting School Data

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## Overview

K-12 schools and colleges are increasingly dependent on software sold by for-profit companies who make big promises—that their products can predict which students are most at risk of dropping out, algorithmically personalize lessons for each student, and match teenagers with their best-fit colleges and careers. In exchange, these educational technology companies receive multimillion-dollar contracts from public schools and access to the most sensitive data schools keep about their students. It's rarely clear what they're doing with it.

It's important for students to have a seat at the decision-making table when it comes to their data. But in order to get there, you'll need some basic information about what data these companies are collecting and how they're using it. Here's what you can do to find out:

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## FOIA or FERPA?

The rough guidelines are that FOIA or public records requests will give you broad information, while FERPA requests will give you your individual records and information

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## Accessing your data: FOIA

**What:** Every state and the federal government have a law that allows residents to request copies of public records from government bodies, such as public schools and universities and departments of education.

### What to ask for:

- Contracts, statements of work, and memorandums of understanding between your school and ed tech companies.
- Data sharing and data privacy agreements.
- Data dictionaries for ed tech products
- Training material and user manuals for ed tech products.
- Here is an [example](#) of a public records request we used to report about one of the country's [biggest ed tech empires](#).

### Why:

- Find out how much your district is paying for ed tech, who it's paying, and what the tool is supposed to do.
  - Find out what the ed tech vendors are [contractually allowed](#) to do with your data.
  - Find out, comprehensively, [what kinds of data](#) the ed tech vendor has access to.
  - Find out what the product is capable of - intended and unintended uses.
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## Accessing your data: FOIA

### How:

- Identify the official at your school district or university who is responsible for public records requests. This is often somebody in the administrative or legal department.
- Decide what vendor/technology you're interested in and draft a request.
- You can use our [template](#) as a starting point. Remember: It's better to keep your request simple and clear.
- You can also use [MuckRock](#) to submit your request anonymously (for \$5/request). MuckRock comes with templates for submitting requests in every jurisdiction and an extensive database of contact information for government agencies.

### What comes next:

- Public records laws vary by state, and it can take weeks or months to receive responsive documents.
  - Your school may also reject your request based on a statutory exemption to the public records law. In many states, you can appeal these (often perfunctory) rejections to a third party. You can find more information about state exemptions and appeals processes [here](#).
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## Accessing your data: FERPA

**What:** Under the Federal Educational Rights and Privacy Act (FERPA), parents, [legal guardians](#), students [18 and older](#), or students who are younger than 18 but attend a post-secondary institution have the right to request access to their educational records from their school - including the information held by ed tech vendors.

Students 18 and younger, please note when considering asking your parent or guardian to make an information request that educational records can contain highly sensitive information minors may not want their legal guardian to see.

### What to ask for:

- FERPA requests for educational records can be broad - "Please give me all my educational records."
  - Or, they can be specific to a particular type of record, such as the data that has been shared about you with a third-party vendor.
  - This [template](#), written by the [Student Data Privacy Project](#), is a comprehensive FERPA request for information held by third-party vendors.
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## Accessing your data: FERPA

### Why:

- Find the most detailed information about what data ed tech companies have about you and how they're using it.
- Your school may be your ally and can help advocate on your behalf if the companies in question aren't cooperating.

### How:

- Many districts designate a specific person or office to which you should direct your FERPA request. Look for pages like this one, from the [Atlanta Public Schools](#).
- Identify which ed tech companies your district may be using. Some schools list ed tech vendors on their websites. You can also look up many K-12 schools in the [Student Data Privacy Consortium's database](#) of vendor data privacy agreements.

### What comes next:

- Under FERPA, schools must respond to these requests within 45 days. In some states, the timeline is even shorter.
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## What can you do once you have this information?

- If you have any questions or concerns, reach out to us at The Markup. We'd love to see what you find.
- Share this information with a friend who might also be interested.

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