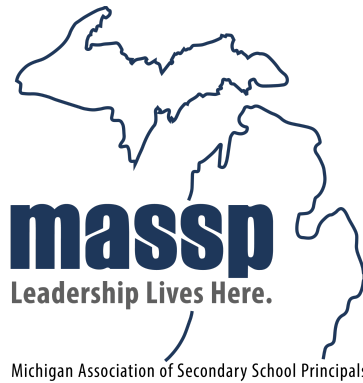




Transcribing Teacher Observations: Privacy Compliance Challenges and Tool Guidance for School Leaders

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Important Notice: This Is a Guidance Document, Not Legal Advice

This document is intended to help school leaders understand the compliance landscape around AI transcription tools and to support informed decision-making. It does not constitute legal advice and should not be treated as a substitute for guidance from qualified legal counsel. The regulatory frameworks described here, including FERPA, COPPA, and applicable state law, are complex, fact-specific, and subject to change. Any questions concerning student privacy, student safety, or the rights of students and families should be directed to your district's legal counsel before action is taken. Districts are encouraged to use this document as a starting point for conversation, not as a final determination of what is or is not permissible.

The appeal of AI transcription in educator evaluation is clear: faster post-observation documentation, richer evidence capture, and reduced cognitive load on evaluators. But the classroom is one of the most legally complex environments in which to deploy audio recording and transcription technology. Because observations capture both teacher practice and student voices, school leaders must navigate an overlapping web of federal privacy law before selecting any tool.

This document explains the core compliance challenges, identifies the legal distinctions that matter most in a K-12 context, and provides a comparative overview of known transcription tools and their fitness for school use.

Part I: The Compliance Landscape

FERPA and the Education Record Question

The Family Educational Rights and Privacy Act (FERPA) protects personally identifiable information (PII) contained in education records maintained by the school. For teacher observations, the core legal question is whether a transcript constitutes an education record once it is created and stored.

The answer depends not just on what the transcript captures, but on what happens to it — how it is used, whether it is retained, who can access it, and whether the resulting document is primarily about a student or about teacher practice. These distinctions matter significantly for how FERPA applies.

- **Personal observation vs. maintained record:** FERPA does not restrict what a school official personally observes. A principal who watches a lesson and takes mental notes is not constrained by FERPA. However, the moment those notes or a transcript is created and maintained by the institution, FERPA applies to the extent that student PII appears in the record.
- **The sole possession exception:** A transcript kept exclusively by one evaluator, never shared, and not accessible to substitutes or other officials may qualify as a "sole possession record" and fall outside FERPA. But any cloud-based transcription tool that stores data on external servers almost certainly removes this protection, since the data is no longer solely in the evaluator's possession.
- **When students appear in the transcript:** Observation transcripts routinely capture student names, responses, and behaviors. Once a student is identifiable in a maintained record, FERPA rights attach. That record cannot be shared without consent or a recognized FERPA exception. However, student identification in a transcript is not automatic. Many transcription tools label speakers generically (e.g., Speaker 1, Speaker 2). Identifying a specific student typically requires the user to manually annotate the transcript — a practice that is generally inadvisable in observation documentation focused on teacher practice.
- **When the primary subject is teacher practice:** Not every mention of a student in a transcript makes that transcript the student's education record. An observation transcript that captures student voices or first names as incidental evidence of instructional interaction — and that is maintained as documentation of teacher practice, not student performance — presents a different FERPA analysis than a record maintained to evaluate or track individual students. The purpose of the record, what is retained, and who can access it all factor into this determination.
- **Vendor relationships:** Any third-party transcription tool that receives and stores student data must operate under a Data Processing Agreement (DPA) and function as a "school official" with a legitimate educational interest. Without a

signed DPA, using a cloud transcription tool on a classroom observation may constitute an unauthorized disclosure of student records.

Key FERPA Principle for Observation Transcripts

A transcript is not automatically an education record — but it becomes one the moment it contains student PII and is maintained by the school or a vendor acting on the school's behalf. Critically, maintenance includes how long the record is retained, who has access to it, and whether it is primarily about a student or about teacher practice. A transcript used temporarily to generate observation notes and then deleted presents a fundamentally different FERPA analysis than a district storing recordings indefinitely with student identities attached. The tool choice determines whether that line is crossed and how it is governed.

COPPA and the Student Voice Problem

The Children's Online Privacy Protection Act (COPPA) governs the collection of personal information from children under 13. The 2025 amendments to the COPPA Rule, fully effective as of April 22, 2026, significantly expanded what counts as personal information in ways that directly affect transcription in K-12 classrooms.

Three COPPA provisions are particularly relevant to observation transcription:

- **Audio recordings are personal information:** The amended rule explicitly lists audio recordings containing a child's voice as personal information under COPPA. Any tool that records and stores student voices in an elementary or middle school classroom is capturing COPPA-protected data.
- **Voiceprints are biometric identifiers:** The 2025 amendments added biometric identifiers — including voiceprints — to the definition of personal information. If a transcription tool uses voice identification to distinguish speakers, it may be generating voiceprint data from students under 13, triggering the full consent and notice requirements.
- **The voice command exemption is narrow:** The FTC will not enforce parental consent for audio collected solely to replace written words and immediately deleted after transcription. Most AI transcription tools that store transcripts, generate summaries, or retain audio fail to qualify for this exemption.
- **School consent has limits:** Schools can consent on behalf of parents for educational use only. This means tool use must be limited to the contracted educational purpose. Schools cannot authorize vendors to build behavioral profiles, train AI models on student voices, or share data with advertisers.

COPPA Risk in Elementary Observations

Transcribing an observation in a K-5 or K-8 classroom almost certainly involves COPPA-covered data. Any tool that stores student audio, generates speaker-identified transcripts, or retains data beyond the session requires either parental consent or a school-authorized COPPA-compliant vendor agreement with strict educational use limits.

Other Applicable Regulations

State Student Data Privacy Laws

Approximately 40 states have enacted student data privacy laws that go beyond federal requirements. Michigan, for instance, has the Student Data Privacy Consortium (SDPC) and related guidance that governs what districts can share with vendors. Any tool evaluation should include a check of state-specific requirements and the district's approved vendor list.

CIPA (Children's Internet Protection Act)

If a transcription tool is accessed on school networks receiving E-rate funding, CIPA's filtering and monitoring requirements apply. This is typically less restrictive than FERPA/COPPA for staff-facing tools but is worth noting for any tool accessed on the school network.

MCL 380.1249 and Michigan Educator Evaluation Law

Michigan's educator evaluation statute requires that observations be documented and that evidence be maintained as part of the evaluation record. When transcripts become part of that formal evaluation documentation, they are unambiguously education records subject to FERPA, and the vendor providing the transcription tool must meet all associated requirements.

The TAKE IT DOWN Act (2025)

Signed into law in May 2025, this act creates obligations around non-consensual imagery, including AI-generated content. While not directly about transcription, it reflects a broader federal direction toward stronger protections for student-involving content and reinforces the importance of consent frameworks around any AI tool capturing student voices or images.

Part II: Why Teacher Observations Are Especially Challenging

Teacher observations present a uniquely complex compliance environment because, unlike a staff meeting or administrative recording, the classroom simultaneously involves:

- Minors (potentially under 13) whose voices, names, and behaviors appear in the transcript
- An ongoing formal evaluation process whose records have specific legal status under state law
- A vendor relationship that may or may not include appropriate legal agreements
- The potential for student PII to be stored on external servers without parental knowledge or consent
- AI training risks, since many consumer transcription tools use uploaded audio to improve their models

The table below summarizes the key distinctions between observation contexts and the relative compliance complexity of each. These levels reflect the combination of the tool used, the data captured, and the retention and access practices in place — not any single factor alone.

Observation Context	FERPA Risk	COPPA Risk	Compliance Level
K-5 classroom, cloud tool, stored transcript	High — student PII in maintained record	High — under-13 voices captured and stored	Very Complex
6-8 classroom, cloud tool, stored transcript	High — same record concerns	High — COPPA applies under 13	Very Complex
9-12 classroom, cloud tool, stored transcript	Moderate — FERPA applies, no COPPA	Low — students are 14+	Moderate
K-12 classroom, local processing only (no cloud)	Low — if data stays on device, sole possession may apply	Low — no external data transfer	Manageable
Post-obs debrief (adults only, no students present)	Low — no student data unless discussed	None — COPPA not triggered	Low
Staff meeting or PD session	None — no student data	None	Minimal

The Lowest-Risk Use Case

Using a transcription tool to capture a post-observation debrief or coaching conversation between adults — with no students present and no student PII introduced — is the lowest-risk deployment scenario and the most immediately viable starting point for most districts.

Understanding the Distinction Between Security, Governance, and Legal Compliance

When evaluating transcription tools, it is important to distinguish between three related but separate concepts: security, governance, and legal compliance.

Security certifications such as SOC 2 Type II and ISO 27001 demonstrate that a vendor has implemented meaningful technical safeguards — encryption, access controls, audit logging, and incident response procedures. These certifications matter and should be part of any vendor evaluation.

Governance frameworks such as Data Processing Agreements (DPAs) and FERPA school official designations establish the contractual and legal relationship between the district and the vendor. A DPA is a necessary procurement step, but its existence does not, by itself, determine whether a specific use of the tool is permissible.

Legal compliance is ultimately determined by the actual use case: what information is captured, whether it is maintained, how long it is retained, who has access to it, and whether the resulting records are directly related to students or to teacher evaluation. A tool could carry every certification on this list and still be misused. Conversely, a tool with fewer published compliance credentials might be used in a fully compliant manner in a narrow, carefully governed context.

This document's tool comparison reflects available compliance infrastructure as a procurement guide, not a guarantee that any particular use is compliant. School leaders should apply both lenses: evaluate vendor compliance posture during procurement, and evaluate use-case compliance before each deployment.

Part III: Transcription Tool Comparison

The following tools represent the current landscape of AI transcription platforms with varying degrees of fitness for K-12 educational use, including both software tools and the PLAUD hardware device. No tool is automatically FERPA or COPPA compliant — compliance depends on how the tool is deployed, what agreements are in place, what data it captures, and how that data is retained and accessed. This comparison reflects the available public compliance documentation as of June 2026.

Row shading: Green = stronger compliance posture | Yellow = conditional or partial | Red = significant gaps for K-12 use

Tool	Processing	FERPA Support	COPPA Support	DPA Available	Best Use Cases
Meetily	Local/Self-hosted	Yes	Yes	Yes	IEP, counseling, sensitive obs

Microsoft Teams	Cloud (M365 Enterprise)	Yes (School Official)	Yes (via M365 DPA)	Yes (M365 DPA)	Staff/admin obs w/ M365 license
Zoom (Education)	Cloud (Education tier)	Yes (Education DPA)	Conditional*	Yes (Education tier)	Virtual obs, secondary only
Sonix	Cloud (Enterprise)	Yes	Yes*	Yes	Faculty/staff obs, research
PLAUD	Hardware + Cloud	Not documented	Not documented	Not available	Admin self-use (adults only)
Fireflies.ai	Cloud (Enterprise)	Yes (DSA avail.)	Not stated	Yes (DSA)	Admin & staff meetings only
Rev	Cloud + Human	Yes	Limited	Yes	Formal/legal documentation
Trint	Cloud (Enterprise)	Yes*	Not stated	Yes	Post-obs review, research
Otter.ai	Cloud	Limited*	No	Enterprise only	Staff use only (no students)
Notta	Cloud	Claims compliance	Not stated	On request	Pre-recorded content review
Verbit	Cloud + Human	Yes	Yes	Yes	Accessibility, formal docs

* Compliance claims are self-reported by vendors. Districts should request current documentation, review DPA language carefully, and verify sub-processor lists before deploying any tool with student data.

Part IV: Tool Profiles

Meetily

Architecture: Local/self-hosted processing | Pricing: Free (Community Edition), \$10/user/month (Pro)

Meetily uses a fundamentally different approach from cloud-based tools: all transcription processing occurs on the institution's own infrastructure, meaning student data never leaves the school's network. This local processing architecture makes it the strongest option for FERPA- and COPPA-conscious contexts because there is no third-party data transmission to govern. The platform includes automatic PII detection and redaction, role-based access controls, and detailed audit logging. The Community Edition is open source under an MIT license. Self-hosted deployment gives IT departments complete sovereignty over data storage.

Best for school use: IEP meetings, counseling session documentation, disciplinary proceedings, sensitive K-8 classroom observations, any context where cloud transmission is prohibited by district policy.

Consideration: Requires IT capacity to deploy and maintain a self-hosted instance. Less viable for districts without dedicated technical infrastructure.

Microsoft Teams (with Copilot or Intelligent Recap)

Architecture: Cloud (Microsoft 365 Enterprise) | Pricing: Included with M365 Education licenses; Copilot add-on at \$18/user/month

Microsoft Teams is the strongest of the platform-native transcription options for districts already operating in the M365 ecosystem. Microsoft formally designates itself as a "school official" with "legitimate educational interests" under FERPA through its Online Services Terms Data Processing Addendum — one of the most explicit and contractually robust FERPA commitments of any major vendor. The company does not use customer data for advertising and does not require direct parental consent under COPPA for students using Office 365 in a school-authorized context, provided the district has its COPPA consent documented in the M365 agreement. Teams transcription and the Intelligent Recap feature are available within the same compliance envelope.

Best for school use: Administrative meetings, post-observation debriefs, staff professional development sessions, and virtual observations conducted through Teams. Secondary classroom walkthroughs where the district already operates M365 and has COPPA consent documented.

Consideration: K-8 classroom use requires confirming that the district's M365 COPPA documentation explicitly covers Teams recording scenarios. Transcripts that capture identifiable student participation become FERPA-protected records and must be managed accordingly.

Zoom (Education / K-12 tier)

Architecture: Cloud (Education tier) | Pricing: Zoom One Pro at \$13.33/user/month; Education licensing varies by district

Zoom maintains explicit FERPA compliance documentation for its Education tier customers, including a dedicated FERPA Compliance Guide and education-specific data processing terms. Under Zoom's education agreements, recordings, transcriptions, and chat logs are treated as subject to FERPA when students are personally identifiable. Zoom's AI Companion feature is available on paid plans, and Zoom holds SOC 2 Type II certification.

Best for school use: Virtual teacher observations, post-observation debriefs conducted remotely, principal coaching sessions, administrative meetings. Well-suited for secondary-level virtual classroom observations where the district has a Zoom Education agreement in place.

Consideration: COPPA compliance for K-8 classroom recording requires the district to have documented parental consent or a school-authorization framework specifically covering Zoom. Consumer-tier accounts do not carry the same protections and should not be used for observation-related recording.

PLAUD (Note and NotePin)

Architecture: Hardware recorder + cloud processing | Pricing: Device cost (\$159–\$199) + AI Membership subscription

PLAUD is a dedicated AI hardware recording device that has seen rapid adoption among administrators due to its ease of use. The device carries strong technical security credentials: SOC 2 Type II certification, ISO 27001 and ISO 27701 certifications, HIPAA compliance, GDPR compliance, AES-256 encryption at rest, and TLS encryption in transit. Its AI transparency policy explicitly states that user data is not used to train AI models unless the user opts in, and sub-processors are contractually prohibited from using data for model training or secondary purposes.

However, PLAUD presents a significant gap for K-12 observation use: the company does not publish a FERPA compliance statement, does not offer an education-specific Data Processing Agreement, and its privacy policy explicitly states that it does not aim to provide services for minors. This is a consumer and professional product designed for the business market, not K-12 education.

It is also worth noting that PLAUD's speaker labeling is generic — transcripts identify speakers as Speaker 1, Speaker 2, and so on. A PLAUD transcript does not automatically attach student identities to spoken content. Whether a given use of PLAUD produces a FERPA-protected record therefore depends significantly on what the evaluator does with the transcript: whether student names are manually annotated, whether the transcript is retained, and whether it is maintained as part of a formal evaluation record. An administrator who uses PLAUD to capture a post-observation debrief, generates scripted notes focused on teacher practice, and then deletes the recording presents a meaningfully different compliance picture than one who stores speaker-identified student transcripts in a school data system.

That said, the absence of a FERPA DPA means that any cloud-transmitted student data lacks the institutional governance FERPA requires. Until PLAUD offers an education-specific agreement, its use should be limited to adult-only contexts where student data is not present.

Best for school use: Capturing post-observation administrator notes and personal reflections in adults-only contexts. Coaching conversations between staff with no student PII involved.

Consideration: Do not use PLAUD to record any observation that captures student voices or identifiable student information until the company publishes a FERPA-compliant DPA. Districts should clarify in their acceptable use policies whether PLAUD and similar hardware recorders fall under technology vetting requirements.

The PLAUD Adoption Gap

The widespread use of PLAUD among administrators reflects a real need: a simple, high-quality tool that captures conversations without the friction of a software bot joining a meeting. The device is technically impressive. But ease of use does not equal compliance readiness. If your district has PLAUD devices in active use for classroom observations, the first step is to determine what student data those transcripts contain, whether student identities have been manually annotated, and where that data is stored. Until a FERPA DPA is in place, PLAUD use should be limited strictly to adult-only contexts.

Sonix

Architecture: Cloud (Enterprise tier) | Pricing: Per-hour or subscription; Enterprise pricing on request

Sonix holds SOC 2 Type II certification and explicitly guarantees that student data is never used for AI model training — a meaningful protection given COPPA's restrictions on secondary data use. Stanford and Yale are among reported institutional users. The platform supports 53+ languages and provides Data Processing Agreements for educational institutions.

Best for school use: Faculty and staff observations at the secondary level, research contexts, post-observation documentation where student audio is not the primary capture target.

Consideration: Cloud-based, so K-8 classroom use requires a robust DPA and careful attention to what student PII enters the transcript.

Fireflies.ai

Architecture: Cloud (Enterprise tier) | Pricing: Free (limited), Pro at \$10/user/month, Enterprise custom

Fireflies holds SOC 2 Type II and GDPR certifications and offers a Data Sharing Agreement (DSA) to support FERPA requirements. Its strongest use case is the integration-heavy environment — it connects to Zoom, Teams, Google Meet, Salesforce, Asana, and Slack. However, the platform does not make explicit COPPA compliance claims.

Best for school use: Administrative and staff-only meeting documentation, principal coaching debriefs, department or team meetings where no student PII is present.

Consideration: Not recommended for classroom observation recording in K-8 settings without explicit COPPA documentation from the vendor.

Rev

Architecture: Cloud + Human transcription | Pricing: Per-minute AI or human rates

Rev's hybrid model — AI transcription supplemented by optional human review — makes it particularly suited to formal or legal documentation requirements. It holds SOC 2 Type II certification and provides ADA/Section 508 certified captioning. Human transcription options deliver court-ready transcripts for disciplinary hearings or proceedings.

Best for school use: Formal evaluation documentation, disciplinary hearings, IEP meetings requiring captioning, any context where transcript accuracy must be verifiable.

Consideration: Per-minute pricing can add up quickly in high-volume observation programs. COPPA documentation should be requested for K-8 use.

Trint

Architecture: Cloud (Enterprise) | Pricing: Starting around \$60/user/month

Trint is designed with journalism and qualitative research workflows in mind. Its word-level audio sync — clicking any word in a transcript plays the corresponding audio — is especially useful for evaluators who need to verify exact language for formal documentation or professional growth conversations. The platform holds SOC 2 Type II certification and offers DPAs.

Best for school use: Post-observation review, instructional coaching, qualitative research into teaching practice, any context requiring verbatim verification of classroom language.

Consideration: Expensive for district-wide deployment. COPPA posture for K-8 classroom use should be clarified with the vendor before deployment.

Otter.ai

Architecture: Cloud | Pricing: Free (300 min/month), Pro at \$8.33/month, Business at \$19.99/month

Otter.ai is the most widely used transcription tool in education, but it carries the most significant compliance gaps for K-12 observation use. It lacks SOC 2 Type II certification, which is the

baseline security standard most enterprise education contexts require. Its FERPA posture is limited to enterprise agreements. It does not make COPPA compliance claims. A federal class-action lawsuit was filed against Otter in August 2025 related to data practices. Consumer tiers have been blocked on university networks specifically because of FERPA concerns.

Best for school use: Staff-only meetings and coaching conversations where no student PII is introduced, and only if an enterprise agreement is in place at the district level.

Consideration: Do not use for classroom observations at any grade level without a current enterprise DPA. Not appropriate for any context involving student voices in K-8 settings.

Verbit

Architecture: Cloud + Human | Pricing: Enterprise custom

Verbit is an enterprise-grade platform combining AI transcription with professional human editors. It holds SOC 2 Type II certification and maintains explicit FERPA and COPPA compliance documentation. The platform is particularly strong in accessibility contexts — live captioning, CART services, and ADA compliance.

Best for school use: Accessibility accommodations, formal proceedings, special education documentation, districts with existing enterprise relationships.

Consideration: Pricing and enterprise-only model may not be practical for everyday observation documentation.

Part V: Practical Guidance for School Leaders

A Use-Case Risk Framework

Before selecting or deploying any transcription tool, evaluate the specific use case against four questions. These questions reflect where compliance risk actually lives — not just in the tool, but in how it is used.

- **What information is maintained?** A transcript used temporarily to generate observation notes and then deleted presents a different compliance picture than one stored indefinitely in a school data system. The purpose of the record, and whether it is maintained, matters as much as what it contains.

- **How long is it retained?** Retention period is a key variable in both FERPA and COPPA analysis. Establish clear deletion timelines and confirm that vendors honor them.
- **Who has access to it?** Sole possession records carry different legal weight than records accessible to multiple administrators or stored in shared systems. Access controls matter.
- **Is the record directly related to a student or to teacher evaluation?** An observation transcript that incidentally captures student voices as evidence of instructional practice is analytically different from a record maintained to document student behavior or performance. The primary subject of the record matters.

These questions do not replace vendor vetting — they complement it. A well-chosen tool with a signed DPA can still be misused. A use-case analysis ensures that the way the tool is deployed is as carefully considered as the tool itself.

A Phased Approach to Compliant Implementation

Phase 1: Start with Adults Only

The lowest-risk and most immediately viable use case is transcribing post-observation debrief conversations between the principal/evaluator and the teacher — no student voices, no student PII, no COPPA trigger. This allows evaluators to capture coaching conversations accurately without navigating the full compliance burden.

Phase 2: High School Classroom Observations (Grades 9-12)

At the secondary level, COPPA does not apply (students are 14+). FERPA still governs, so a DPA with the vendor is essential, and the transcript must be treated as a maintained education record if it is retained. Cloud tools with SOC 2 Type II certification and signed DPAs are viable for this context. Establish a clear retention and deletion policy before deployment.

Phase 3: K-8 Classroom Observations

This is the highest-complexity scenario. Local processing tools like Meetily are the safest choice. If cloud tools are used, the district must have a signed, COPPA-specific vendor agreement, student audio must not be retained, and the tool must not use data for model training or profiling. This phase should involve district legal counsel before deployment.

Vendor Vetting Checklist

Before deploying any transcription tool in an observation context, evaluate it across three sequential gates: acceptable use, privacy and security, and contracts. This structure — adapted

from the Oakland Schools Technology Integration Team's Digital Tools Vetting Rubric (CC BY-NC-SA 4.0) — reflects an important principle: a tool that passes one gate but fails another is not ready for deployment. Work through them in order.

A critical threshold question applies before any gate: does this tool interact with student work or information in any way, even if a teacher or administrator is the sole user? If yes, the full student-facing vetting standard applies — not the lighter staff-only checklist. For observation transcription, this threshold is almost always triggered.

Gate 1: Acceptable Use

These questions establish whether the tool belongs in an educational context at all. A “No” or “Unsure” here stops evaluation.

- **Is the tool intended for use in an educational or professional school setting?**
- **Does it support a specific job-related function (e.g., observation documentation, coaching, IEP recording)?**
- **Does it minimize unnecessary features, advertisements, or distractions?**
- **Does the tool prohibit personalized marketing and behavioral advertising?**

Gate 2: Privacy and Security

These questions evaluate the technical and legal safeguards around data handling. Security certifications (SOC 2, ISO 27001) are meaningful indicators of technical safeguards but do not by themselves determine whether a specific use is legally compliant. Evaluate both.

- **Does the tool have a published Privacy Policy?**
- **Does it hold SOC 2 Type II certification or equivalent? (baseline security standard for enterprise education contexts)**
- **Is the tool compliant with FERPA? Does it document this explicitly, not just claim it?**
- **Is the tool compliant with COPPA for K-8 use (if applicable)? Does it document this explicitly?**
- **Does it prohibit the collection of unnecessary PII, geolocation, or biometric data (including voiceprints)?**
- **Are permissions requested by the tool limited to what is essential for its core function?**
- **Does it prohibit third-party data sharing or selling?**
- **Does it provide written confirmation that student data is not used to train AI models?**
- **Is user data stored in compliance with U.S. data laws, with data locality options (U.S. storage at minimum; on-premise for highest sensitivity)?**

Gate 3: Contracts

These questions confirm that the institutional governance infrastructure is in place. A vendor with strong security credentials but no signed DPA is not ready for deployment with student data. This gate is non-negotiable for any tool touching student information.

- **Is a signed Data Processing Agreement (DPA) available, designating the vendor as a school official with a legitimate educational interest under FERPA?**
- **Does the DPA include explicit data use, retention, and destruction provisions — including specific deletion timelines?**
- **Does the agreement include a data breach response protocol with a defined notification timeline (typically 48–72 hours)?**
- **Does it include a sub-processor list identifying all third parties who may access the data?**
- **Is the tool listed on the Michigan SDPC registry of approved vendors, or has the district completed its own equivalent vetting?**

Red Flag

Any vendor who hesitates to provide compliance documentation is communicating something important. Legitimate educational technology vendors expect these requests and typically have documentation readily available. If a vendor deflects, delays, or provides only marketing language in response to a DPA request, that is a clear signal to look elsewhere.

State-Level Considerations for Michigan Districts

- Check the Student Data Privacy Consortium (SDPC) Michigan registry for approved vendors before initiating your own vetting process.
- Review your district's existing technology use policy for provisions about third-party data processors.
- Documentation related to MCL 380.1249 evaluation records carries specific retention requirements — ensure any transcript stored as part of an evaluation record meets those requirements.
- Consult your district's legal counsel before deploying any tool for K-8 classroom observation transcription.

Summary

The potential of AI transcription to improve the quality and efficiency of teacher observation documentation is real, but the path to compliant implementation in K-12 settings requires careful navigation of FERPA, COPPA, and state privacy law. The most important variables are grade level (COPPA applies under 13), data storage location (local vs. cloud), vendor agreements (DPA is non-negotiable for cloud tools), intended use (adult-only conversations carry far less risk than classroom captures), and retention practices (a transcript used temporarily and deleted is fundamentally different from one maintained indefinitely in a school data system).

Compliance is not a property of the tool — it is a function of the tool, the agreement, the context, the data it captures, and what is done with that data afterward. Starting with post-observation debrief documentation between adults, building toward secondary classroom use with appropriate vendor agreements, and treating K-8 classroom transcription as the highest-stakes deployment scenario is a reasonable phased approach for most districts. School leaders who understand both the tool landscape and the use-case variables are far better positioned to use these tools wisely.

AI Transcription Use-Case Decision Guide

For school leaders, principals, and technology directors | Use before approving any transcription deployment

STEP 1: Identify your use case	
Lower-risk starting points • Post-observation debrief (adults only) • Principal coaching conversation (no students) • Staff or PD meeting documentation • Grades 9-12 classroom obs (with DPA)	Highest-risk — involve legal counsel first • K-8 classroom observation (cloud tool) • Any tool without a signed DPA • Consumer-tier tools (Otter free, personal Zoom) • Hardware recorders without FERPA DPA (e.g. PLAUD)
STEP 2: Apply the four use-case questions	
1. What information is maintained? — A transcript used temporarily and then deleted is different from one stored in a school system. 2. How long is it retained? — Establish deletion timelines and confirm vendors honor them. 3. Who has access to it? — Sole possession records carry different legal weight than shared or system-stored records.	

4. Is this record about a student or about teacher practice? —

Student voices incidentally captured in a teacher evaluation record is different from a record maintained about student behavior.

STEP 3: Vet the vendor (three gates, in order)

Gate 1: Acceptable Use

- Educational/professional purpose?
- Supports a specific job function?
- No unnecessary ads or features?
- No behavioral advertising?

→ *No/Unsure = stop here*

Gate 2: Privacy & Security

- Published Privacy Policy?
- SOC 2 Type II or equivalent?
- FERPA/COPPA documentation (not just claims)?
- No unnecessary PII, voiceprint, or geo data?
- No third-party data selling?
- No student data used for AI training?

→ *Security certs ≠ compliance guarantee*

Gate 3: Contracts

- Signed DPA (school official designation)?
- DPA includes data use, retention & deletion terms?
- Breach notification protocol (48–72 hrs)?
- Sub-processor list available?
- On Michigan SDPC registry (or equiv. vetting)?

→ *No DPA = not ready for student data*

Remember: compliance is not a property of the tool. It is determined by what you capture, whether you maintain it, how long you keep it, who can access it, and whether the record is about a student or about teacher practice. Passing all three gates is necessary, but applying these questions to your specific deployment is what makes use compliant.

This document is intended as an informational resource for school leaders and does not constitute legal advice. Consult qualified legal counsel for guidance specific to your district.