

**Management**

**of the**

**Student**

**Scholastic**

**Record**



**FAIRFAX COUNTY PUBLIC SCHOOLS**

Department of Information Technology

Department of Special Services

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**Table of Contents**

	<b>Page</b>
Chapter 1 – Overview.....	2
Chapter 2 – Definitions.....	3
Chapter 3 – The Student Scholastic Record .....	6
Chapter 4 – Parent and Eligible Student Rights .....	10
Chapter 5 – Disclosure of Information from Student Scholastic Records.....	13
Chapter 6 – Procedures for Release of Student Records .....	20
Chapter 7 – Procedures for Amendment of Student Records and Complaints .....	24
Chapter 8 – Maintenance and Storage.....	27
Chapter 9 – Frequently Asked Questions About Student Records.....	32
Appendix A – Organization of Student Scholastic Records .....	51
Appendix B – Forms for Use with Student Records .....	62
Consent for Release of Education Records (SS/SE-79) .....	63
Record of Access/Disclosure of Student Records (SS/SE-94).....	64
Request for Student Records (SS/SE-75).....	65
Marks Change (IT-4) .....	66
Sample Letter Notifying Parent of Decision to Amend a Student Record.....	67

## Chapter 1 Overview

Fairfax County Public Schools (FCPS) maintains student records in compliance with laws of both the commonwealth of Virginia and the federal government. Primary guidance for the handling of scholastic records is from the *Family Educational Rights and Privacy Act* (FERPA), the federal law designed to protect the privacy of a student's scholastic records. All public schools, including Fairfax County Public Schools, are covered by FERPA.

FERPA protects the rights of parents with respect to their children's scholastic records. These rights transfer to the student, or former student, upon reaching the age of 18 or attending any school beyond high school level. Students and former students to whom the rights have transferred are called "eligible students." These rights are detailed in Chapter 4.

FCPS provides notice to parents and eligible students of their rights under FERPA at the beginning of each school year through the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights and Opt-Out Forms and Explanations (the FCPS Opt-Out Forms Packet). The current version of the FCPS Opt-Out Forms Packet is available in English on the FCPS public website at <http://www.fcps.edu/forms.htm>. This information also is available in Arabic, Chinese, Farsi, Korean, Spanish, Urdu and Vietnamese from the Office of Language Services and on the FCPS intranet at <http://fcpsnet.fcps.k12.va.us/ssse/translations.htm>.

**Note: The official and up-to-date version of this manual is available through the FCPS public website, which includes any changes that may be made between printings.**

## Chapter 2 Definitions

The following definitions apply in these guidelines:

**Access** – means the ability to inspect and review records

**Attendance** – includes, but is not limited to, attendance in person or by correspondence and the period during which a person is working under a work-study program.

**Dates of attendance** – means the period of time during which a student attends or attended an FCPS school. Examples of dates of attendance include an academic year, a spring semester, or a first quarter.

**Directory information** – means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The FCPS definition of “directory information” is set forth at the beginning of each school year in the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights and Opt-Out Forms (the Opt-Out Forms packet) that is sent to each family. Changes to the definition of “directory information” may occur annually and are published in the Opt-Out Forms packet. Any disclosure of directory information must be made in accordance with the current school year’s definition of directory information. The current version may be found on the FCPS public website at <http://www.fcps.edu/forms.htm>.

**Disciplinary action or proceeding** – means the investigation, adjudication, or imposition of sanctions by FCPS with respect to an infraction or violation of Student Responsibilities and Rights.

**Disclosure** – means access to or the release, transfer, or other communication of personally identifiable information contained in scholastic records to any party, by any means, including oral, written, and electronic means.

**Education record** – means those records that are directly related to a student and maintained by FCPS or by a party acting for FCPS.

**Note:** The terms “education record” and “scholastic record” are used interchangeably in this manual.

**Eligible student** – means a student who has reached 18 years of age or is attending an institution of postsecondary education.

**Family Educational Rights and Privacy Act (FERPA)** – a federal law that protects the confidentiality of student records. It is also known as the Buckley Amendment. (20 U.S.C. § 1232g.)

**Individuals with Disabilities Education Act (IDEA)** – a federal law that ensures that students with disabilities receive a free, appropriate public education. (20 U.S.C. §§ 1400-1461.)

**Legitimate educational interest** – means the need to review the record to fulfill a professional responsibility.

**Parent** – means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian. FCPS will consider an individual to be “acting as a parent in the absence of a parent or guardian” only in exceptional circumstances. It will not apply to stepparents or other caregivers when a natural parent or guardian also is present in the child’s home environment on a day-to-day basis or when it is possible to obtain the written consent of a natural parent or guardian.

**Party** – means an individual, agency, institution, or organization.

**Personally identifiable information** – includes, but is not limited to:

- The student’s name
- The name of the student’s parent or other family member
- The address of the student or student’s family
- A personal identifier, such as the student’s social security number or student number
- A list of personal characteristics that would make the student’s identity easily traceable
- Other information that would make the student’s identity easily traceable

**Reasonable period of time** – unless otherwise stated, means no more than 15 calendar days.

**Record** – means any information recorded in any way, including, but not limited to, handwriting, print, computer media, electronic mail (e-mail), video or audiotape, film, microfilm, and microfiche.

**Scholastic record** – see *education record*.

**School official** – means a person employed by FCPS as an administrator, supervisor, instructor, or support staff member (including school nurses, clinic room aides and law enforcement personnel); a person serving on the School Board; a person or company with whom FCPS has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); a parent or an adult volunteer serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Student volunteers should not be given access to scholastic records.

**Section 504** – means that section of the *Rehabilitation Act of 1973*, as amended, which is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. (29 U.S.C. § 794(a).)

**Student** – means any individual who is or has been enrolled in an FCPS school and for whom FCPS maintains scholastic records.

**Subpoena** – means a written court order requiring the attendance of the person named in the subpoena at a specified time and place for the purpose of being questioned under oath concerning a particular matter that is the subject of an investigation, proceeding, or lawsuit. In addition to, or instead of, requiring the attendance of a person, a subpoena may require the production of a paper, document, or other object relevant to the particular investigation, proceeding, or lawsuit.

**Virginia Freedom of Information Act (FOIA)** – a state law that grants Virginia residents and certain media organizations the right to inspect most records held by Virginia governmental agencies, including those held by school divisions. (Va. Stat. Ann. §§ 2.2-3700-3714.)

## Chapter 3 The Student Scholastic Record

### STUDENT SCHOLASTIC RECORDS

Student scholastic records are those records that are directly related to a student and are maintained by FCPS or by a party acting for FCPS. It is important to note that a document can be considered “personally identifiable information” without identification of the student by name. A personal identifier includes any personal characteristics that would make the student’s identity easily traceable; for example, a student ID number, social security number, his or her initials, or other means.

The content of the scholastic record should be limited to data needed by the school to assist the student in his or her personal, social, educational, and career development. Scholastic records (which may be collected orally, in writing, or by electronic means including e-mail) encompass *all* records maintained by FCPS that contain information about a student, except those records specifically exempted by law.

#### 1. **Record Format**

Scholastic records are not limited to paper records. A scholastic record is any information recorded in any way, including but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, and microfiche. The term “computer media” is intended to cover any manner of maintaining information that is stored through and retrieved by a computer, including information stored on CD-ROM or in an e-mail account. If e-mail directly relates to the student and is maintained by FCPS or by a party acting for FCPS, it is part of the student’s education record.

#### 2. **Types of Records**

The scholastic record encompasses all of the various records about a student created or collected by FCPS and maintained in FCPS files. The contents of the scholastic record will differ from student to student, depending on which records exist for that student. Chapter 8 provides a list of the various types of files that may exist for a student.

#### 3. **Records Collected for All Students**

Certain data must be collected and maintained for all students. The following data must be maintained, when applicable:

- Academic transcript
- Name and address of student
- Birth date
- Student ID or social security number (unless the parent declines to provide it)
- Name and address of parent or guardian
- Record of attendance
- Schools attended
- Scholastic work completed
- Grades and grade point average
- Class rank
- Type of diploma earned
- Test data, to include results of the Virginia State Assessment Program

- School entrance physical examination report, immunization certificate or verification of immunizations
- Notice of school status as condition of admission (a sworn statement or affirmation indicating whether the student has been previously expelled from school attendance)
- Record data disclosure form
- Student termination (graduation/withdrawal/program completion)

**4. Student Name**

The child's legal name that appears on the birth certificate shall be considered the student's official name and shall be entered in the FCPS student scholastic record and in FCPS systems. A court document attesting to a change of name is required before any changes can be made to the student scholastic record. Changes of name or other data in a foreign birth certificate must be supported by a document issued by the United States government or by an official identification document of the country of origin. When a name change does occur, a copy of the document supporting the name change is maintained in the scholastic record. Once a student is no longer enrolled in FCPS, no changes to names will be made. See the current version of FCPS Regulation 2202.

**5. School Status**

At enrollment, the parent or guardian must provide a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private or public school for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. The FCPS Student Registration form provides a place for the enrolling parent to attest to their student's status. A completed, signed registration form is required each time a student is enrolled in an FCPS school. See the current version of FCPS Regulation 2202.

**6. Social Security Number**

A social security number (SSN) is not required to be included within the student scholastic record. A student cannot be excluded from school due to the absence of a SSN, because parents may choose not to obtain or disclose SSNs for their children. See the current version of FCPS Regulation 2202. Because the provision of a SSN is voluntary, FCPS does not require that such information be included in a student's computerized records. Any SSN information on a particular student may be maintained in that student's cumulative file. Student files and other records shall be maintained and tracked by means of an FCPS-assigned Student Identification Number, not the student's SSN.

**7. Birth Certificates and Enrollment**

When enrolling a student in FCPS, the parent or student must provide a certified copy of the student's birth certificate. The information on this certificate is used to establish the complete legal name of the student, the student's date of birth, and the names of the parents. Data entered on FCPS forms and data entered into FCPS systems must match the information provided on the certificate. In the absence of a birth certificate, an affidavit must be submitted with the required information and an explanation of why the birth certificate cannot be provided. The affidavit should be accompanied by another record such as a baptismal record, a hospital record, a passport, or another bona fide record that supports the information supplied in the affidavit. Birth certificates or copies are not part of the student scholastic record and should not be retained.



If the above requirement cannot be met, the principal shall enroll the child temporarily for 30 days to allow the parent time to present the required birth certificate or documented affidavit.

Note: Homeless students shall be immediately enrolled in school, even if they do not have the required documents.

**8. Visa**

A visa is not part of the student scholastic record and should not be retained. FCPS accepts students who meet the requirements of Regulation 2202.

**9. Homeless Students**

A student is considered to be homeless when he or she lacks a fixed, regular and adequate nighttime residence. FCPS must immediately enroll homeless students even if they do not have the required documents, such as a birth certificate, school records, medical records, proof of residency or other documents. Schools must obtain records for homeless children from the previous schools they attended, and the children must be enrolled while the records are being obtained. The term “enroll” is defined as attending classes and participating fully in school activities. The FCPS Homeless Liaison is available to provide assistance in determining whether a student is in a homeless situation.

**10. Excluded Records**

Certain records are not considered scholastic records and will not be disclosed in response to a request for scholastic records. These include:

- Records that are kept in the sole possession of the maker and are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record
- Records that are created and maintained for a law enforcement purpose by the Office of Security, safety/security specialists and assistants, and/or School Resource Officers
- Records relating to an individual who is employed by FCPS that are made and maintained in the normal course of business; relate exclusively to the individual in that individual’s capacity as an employee; and are not available for use for any other purpose
- Records that only contain information about an individual after he or she is no longer a student at FCPS, for example, alumni records
- Records that are protected by the attorney-client privilege or the attorney work-product privilege
  - The attorney-client privilege protects from disclosure any communications to, from or with an attorney in which the client is seeking legal advice or the attorney is providing it.
  - The attorney work product privilege protects from disclosure any writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories.

- This means that any FCPS records (including student scholastic records) that reflect communications between FCPS and its attorneys (the Office of Division Counsel and/or law firms employed by FCPS) or work product of those attorneys shall not be disclosed to anyone who is not an FCPS school official with a need to know. Volunteers are not considered school officials for this purpose.

## Chapter 4 Parent and Eligible Student Rights

### I SCHOLASTIC RECORDS RIGHTS

Parents and eligible students (see section V below) have the following rights regarding inspection and review of the student's scholastic records:

- A. To inspect and review the scholastic records of the student. When a scholastic record pertains to more than one child, the right to inspect and review, or be informed pertains only to that part of the record or document that relates to the specific student.
- B. To inspect or review scholastic records of a student with a disability without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any hearing as required by the Individuals with Disabilities Education Act (IDEA). The IDEA also allows the parent to have a representative inspect and review the records.
- C. To (1) request that FCPS correct or delete data that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, (2) request a hearing to challenge an FCPS decision denying such a request to amend the student's record, and (3) insert a written explanation into the student scholastic record stating the reason for objecting to the content of the record.
- D. To receive an annual public notice of parent rights and designated categories of directory information and the opportunity to opt out of the release of directory information.
- E. To receive copies of scholastic records if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's scholastic records (for example, a parent who lives outside of Fairfax County or a parent with a serious illness who is unable to review the records in person). In addition, parents are entitled to receive copies, upon request, of records that are disclosed to another school that their child is attending or plans to attend.
- F. To receive a response to reasonable requests for explanations and interpretations of the scholastic records.

### II ACCESS RIGHTS NOTIFICATION

FCPS provides notice to parents and eligible students of their rights under FERPA at the beginning of each school year through the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights and Opt-Out Forms and Explanations (the FCPS opt-out forms packet). The FCPS opt-out forms packet is available in English on the FCPS public website at <http://www.fcps.edu/forms.htm>. This information also is available in Arabic, Chinese, Farsi,

Korean, Spanish, Urdu and Vietnamese from the Office of Language Services and on the FCPS intranet at <http://fcpsnet.fcps.k12.va.us/ssse/translations.htm>.

FCPS provides a copy of the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights and Opt-Out Forms (the FCPS opt-out forms packet) to the enrolling parent. It is the responsibility of the enrolling parent to furnish this information to the other parent of the student. FCPS will provide an additional copy to the other parent upon request.

### **III ACCESS FEES**

FCPS may charge for providing copies of scholastic records in accordance with Notice 2701, Schedule of Fees for Duplicating Student Scholastic Records. If the fees charged would prevent a parent or eligible student from exercising his or her right to inspect and review the scholastic records, the fees will be waived. The fees do not include the cost to search for and retrieve the scholastic records of a student.

Note: No student's scholastic record, report card or diploma shall be withheld because of nonpayment of any fee or charge.

### **IV PARENTS**

FERPA defines "parent" as a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. FCPS will consider an individual to be "acting as a parent in the absence of a parent or guardian" only in exceptional circumstances. It will not apply to a stepparent or other caregivers where a natural parent or guardian also is present in the child's home environment on a day-to-day basis or when it is possible to obtain the written consent of a natural parent or guardian for the disclosure. FCPS shall give full rights to either parent, unless FCPS has been provided with evidence that there is a court order or other legally binding document that specifically prohibits access to scholastic records. It is the responsibility of the party who is seeking to restrict the parent's access to scholastic records to obtain and to provide a court order or legally binding document to FCPS.

#### **A. Objections between Parents**

Only a court order or legally binding document may restrict either parent's exercise of their rights under FERPA (e.g., to access student records, consent for others to have access, request an amendment to the records). If a parent believes that the other parent should not be allowed to exercise these rights, the parent must obtain a valid court order that specifically addresses and limits the other parent's rights. (A visitation schedule or a custody order, unless it specifically addresses and limits a parent's right to the student's records, does not restrict a parent's FERPA rights.) If a parent has not provided FCPS with a copy of such a court order or other legally binding document, FCPS has no basis to deny the other parent's request to exercise his or her rights under FERPA.

#### **B. Stepparents and Other Caregivers**

Stepparents and other caregivers do not have access to student scholastic records unless a parent, a legal guardian or an eligible student has consented in writing to that access. The written consent may specify that the stepparent or other caregiver be granted access on a continuing basis.

In exceptional circumstances, a stepparent or other caregiver may be granted access to student education records without consent if the stepparent or other caregiver is “acting as a parent in the absence of a parent or guardian.” For this exception to apply, the stepparent or other caregiver must be residing with and caring for the child. This exception will not apply if a natural parent or legal guardian also is present in the child’s home environment on a day-to-day basis or if a natural parent or legal guardian is in a position to provide written consent.

Stepparents also may be allowed access to student education records without written consent if they have a need to know in a health and safety emergency. See Chapter 5, IX.

C. Parents of Eligible Students

Parents lose their FERPA rights when their child becomes an “eligible student” (see section V below). However, FCPS may disclose scholastic records to the parents of an eligible student if the eligible student is considered a dependent for income tax purposes. The term “dependent” is defined in section 152 of the Internal Revenue Code. In this case, the parent cannot provide authorization for a third party to be granted access to the student’s scholastic record.

A parent of a student with a disability who is 18 may retain his or her rights provided that a court has determined the student to be legally incompetent or legally incapacitated and has granted guardianship to the parent. It the responsibility of the parent or other individual named as guardian to provide FCPS with a court order or other legally binding document establishing his or her rights.

**V ELIGIBLE STUDENTS**

“Eligible student” means a student who has reached 18 years of age or is attending an institution of postsecondary education. Once becoming an eligible student, the student has full rights to their scholastic record, and the parents’ rights end. A parent, however, may retain the right of access as long as the eligible student is considered a dependent for income tax purposes.

## Chapter 5 Disclosure of Information from Student Scholastic Records

### I DISCLOSURE CONSIDERATIONS

FCPS is responsible for protecting the confidentiality of scholastic records. Before personally identifiable information is disclosed from a student's scholastic record to any person other than a parent or eligible student, FCPS must receive a signed and dated consent from either the parent or eligible student or determine that the request comes from a source that is permitted access without consent (see section II below).

### II RIGHT TO ACCESS WITHOUT CONSENT

The parties listed below are permitted access to scholastic records without the consent of the parents or eligible student if they meet the described conditions:

- A. School officials within FCPS who have a legitimate educational interest in the records.
- B. Officials of another school, school division, or institution of postsecondary education in which the student intends to enroll.
- C. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, or state or local educational authorities.
- D. State and local officials or authorities to whom the information is allowed to be reported or disclosed pursuant to a state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or after November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and the officials and authorities to whom such information is disclosed certify in writing to the educational institution that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent of the student.
- E. A party when the disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, the amount of the aid, the conditions of the aid, or enforce the terms and conditions of the aid. ("Financial aid" means payment of funds to an individual, or a payment in-kind of tangible or intangible property to an individual, that is conditioned on the individual's attendance at an educational agency or institution.)
- F. Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. FCPS may disclose information only if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organizations, and the

information is destroyed when it is no longer needed for the purposes for which the study was conducted.

- G. Accrediting organizations to carry out their accrediting functions.
- H. Parents of an eligible student who qualifies as a dependent for income tax purposes.
- I. In response to a judicial order or lawfully issued subpoena. FCPS must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance. Advance notice allows the parent or eligible student to seek protective action. The only circumstance in which advance notice will not be provided will be situations in which the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. See section XII of this chapter.
- J. To a court, if FCPS has initiated legal action against a parent or student or if a parent or student has initiated legal action against FCPS, and the records disclosed are relevant to the legal action.
- K. A party that has a need for such information to respond to a health or safety emergency. See section IX of this chapter.
- L. A party whose request is limited to “directory information.” See section VI of this chapter.

### **III ACCESS VERIFICATION**

FCPS will not release scholastic records to any party unless the principal or program manager responding to the request is satisfied that the party seeking access is authorized. Any person seeking access to student records may be required to provide appropriate identification, such as a driver’s license or military identification card. In situations where an unfamiliar person is asserting that he or she is the parent of a student, custody orders and birth certificates may be useful in confirming the person’s relationship to the student. Schools also may consider contacting the enrolling parent and/or the student who may be able to confirm the identity of the requester.

### **IV CONSENT FORMAT AND USES**

A written consent to disclose student scholastic records must be a signed document that:

- Identifies the student;
- Specifies the records to be disclosed;
- States the purpose of the disclosure;
- Identifies the party or class of parties to whom the disclosure may be made.

No particular format is required so long as the written consent is signed and contains the necessary elements. Parents and eligible students may use *SS/SE-79, Release of Student Records Authorization* form (see Appendix B) to provide written consent for student record disclosures. If the written consent does not identify specific records to be disclosed, access will be given to all records of the student.

Parents and eligible students may use a single written consent to authorize disclosure to several parties. Parents and eligible students also may use a single written consent to authorize a party

or parties to have continuing access to the student's scholastic record. In either case, the signed consent must conform to the above requirements.

## V ACCESS RECORDKEEPING

SS/SE-94, *Record of Access/Disclosure of Student Records* form (see Appendix B), is used to document access to, or disclosure of, information in a student's education record when the access is by anyone other than an FCPS school official. No entry shall be made, however, when the disclosure is in response to a court order or subpoena that specifies that the subject of the records should not be notified. The form should be initiated at the first such request for access or disclosure and updated to reflect subsequent disclosures. The form and any written consents must be maintained in the student's record.

## VI DIRECTORY INFORMATION

Directory information is routine information that generally is not considered harmful to disclose. (Note: School yearbook photos are included in this category.) Consequently, this kind of information may be included in school publications and disclosed to outside organizations without the parent's prior written consent – unless the parent has opted out of such disclosure.

The FCPS definition of "directory information" is set forth at the beginning of each school year in the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights, and Opt-Out Forms (the FCPS opt-out forms packet) that is sent to each family. For students currently enrolled in FCPS, the decision to opt out of the release of directory information applies only to the current school year. If a student withdraws or graduates from FCPS, however, FCPS will continue to honor the last opt-out decision made while the student attended FCPS, unless FCPS is notified that the choice has been rescinded.

Any disclosure of directory information must be made in accordance with the current school year's definition of directory information. Changes to the definition of "directory information" may occur annually and are published in the opt-out packet. Therefore, it is important to review the current version of the FCPS opt-out forms packet's definition of directory information before any information is released. The current version may be found on the FCPS public website at <http://www.fcps.edu/forms.htm>.

For the 2008-09 school year, FCPS defines "directory information" as including, but not limited to:

- Name, including nickname
- Participation in officially recognized activities and sports
- Height and weight, if a member of an athletic team
- Attendance record
- Awards and honors
- School and grade
- Photographs and other images
- Name of parent/guardian/individual with whom student lives



- Birth date (for limited purposes only—see below)
- Student gender and primary/home language (for limited purposes only—see below)
- Address and phone number (for limited purposes only—see below)

Public disclosure of directory information may be made in various ways. The following are examples of FCPS publications that frequently are made available to the public:

- School yearbooks (photos)
- Team rosters and class lists
- Graduation, theater, athletic, and music programs
- Videos of performances, school activities and athletic events
- Articles about school activities and athletic events
- Lists of those receiving honors, awards, and scholarships

These types of publications are available to anyone within the FCPS community and to the general public (including the press).

Unless a student has been opted out of the release of directory information or the disclosure is otherwise authorized by law, FCPS may exercise its discretion to release such information without obtaining parent consent. For example: Staff may verify in writing or by telephone that a student attended an FCPS school, whether he or she graduated, and when (year or semester, not specific day) he or she left FCPS. These disclosures consist only of directory information items listed in the definition and, unless an opt-out decision has been made, do not require prior parent consent to release. Student information not included in the directory information definition, such as grades, may not be disclosed unless otherwise authorized. See section II of this chapter for information about parties authorized to access such information.

FCPS has designated certain directory information items as subject to release for limited purposes only (see definition above). FCPS does not release student birth date, gender, primary/home language, addresses and phone numbers to the press or the general public, even though it is directory information. FCPS will disclose these information items only to certain designated organizations.

Unless a student is opted out of the disclosure of such information, FCPS will provide student address and home telephone number to school-related organizations, such as PTAs or booster organizations. Those organizations may use such information to publish student directories (either electronic or paper) and to contact families about school-related activities.

Unless a student is opted out of the disclosure of such information, FCPS will release student birth date, gender, primary/home language, addresses and phone numbers to state and county agencies to assist in the provision of services. Please note that even if a parent has decided to opt out of the release of directory information to such agencies, FCPS may release this information to such agencies if the release is otherwise authorized by law. See section II of this chapter as well as Chapter 9, Frequently Asked Questions ## 33, 40, 41 and 42, for information about such authorization.

Federal law requires FCPS to release the names, addresses and telephone numbers of secondary school students to military recruiters who request that information. Parents or the student (even if the student is not 18) may opt out of the release of this information. A parent or student decision to opt-out of this release of information remains in effect until it is rescinded by

|| a parent, regardless of whether the original opt-out decision was made by a parent or by the student.

## **VII RE-DISCLOSURE OF INFORMATION**

FCPS discloses personally identifiable information from an education record on the condition that the party to whom the information is disclosed will not “re-disclose” the information to any other party without prior, written consent of the parent or eligible student. The third party who receives the information may use the information only for the purposes for which the disclosure was authorized. If FCPS determines that the third party improperly disclosed information from scholastic records, FCPS may not allow that third party access to personally identifiable information for at least five years. Any violation of the re-disclosure restrictions should be reported to the director, Office of Student Services.

The following statement must be included on all transcripts, transmittal letters, or other documents that convey information from a scholastic record to a person or agency outside of FCPS:

“Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or eligible student.”

## **VIII TRANSFERRING STUDENT RECORDS**

### **A. To other schools and school divisions**

Consent from the parent or eligible student is not required to comply with a request for scholastic records from officials of another school division if the student seeks or intends to enroll there. It is important for a school to receive the student’s complete scholastic record when the student enrolls. The information is needed to determine the student’s placement and, in some cases, to alert the receiving school to disciplinary problems the student had in a previous placement. It is critical that schools transfer complete scholastic records as soon as they are requested. Original records are not transferred outside of FCPS. FCPS maintains the scholastic records created by or for FCPS; copies are provided to other schools requesting records.

### **B. To correctional facilities**

FCPS will provide copies of scholastic records to the requestor within five working days of receipt of the request when the request is received from the Department of Juvenile Justice, the Department of Correctional Education, or by a school division employee responsible for education programs in a local jail or a detention home when the student in question is now a student at the facility.

## **IX HEALTH AND SAFETY EMERGENCIES**

FCPS may disclose personally identifiable information from an education record, including disciplinary records, without consent, to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or

other persons. The following factors should be taken into account in determining whether records may be released:

- The seriousness of the threat to the health or safety of the student or other persons.
- The need for such records to meet the emergency.
- Whether the persons to whom such records are released are in a position to deal with the emergency.
- The extent to which time is of the essence in dealing with the emergency.

When assistance is needed, the principal or his or her designee may confer with the director, Office of Student Services in making this decision.

FCPS may disclose information regarding disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students or other members of the school community to school officials in other school divisions, who have been determined by FCPS to have a legitimate educational interest in the behavior of the student.

## **X MISSING CHILDREN**

When notified by a local law enforcement agency that a child is missing, the principal shall update the student's scholastic record to reflect that the child has been reported missing. Upon receiving a request for copies of scholastic records of any missing child, the school staff shall immediately contact the director, Office of Student Services. The director shall notify the law enforcement agency that reported the child as missing and identify the source of the request for records of the missing child. Whenever a school cannot obtain the scholastic record for any newly enrolled student within 60 days, and school personnel suspect that the student is a missing child, the principal shall notify the director, Office of Student Services, who shall notify the local law enforcement agency for investigation as a possible missing child.

## **XI RECORDS OF STUDENTS WITH DISABILITIES**

Students' special education records are guaranteed confidentiality under both FERPA and IDEA. The director, Office of Student Services, is responsible for ensuring the confidentiality of any personally identifiable information.

- A. Student special education records will be disclosed only as allowed by FERPA.
- B. Parents and their representatives (with the written consent of the parent) shall be given access to special education records upon request before any meeting regarding an IEP or any hearing.
- C. Reasonable requests for explanations of special education records, including standardized test protocols and results, shall be honored.
- D. Requests to inspect a current listing of the names and positions of the FCPS employees who may have access to personally identifiable information of a student receiving special education and related services may be referred to the Office of Student Services.

Special education records are kept for active students and for five years after the student exits

(graduates, withdraws, or completes a program) from FCPS. After five years, these records are destroyed in compliance with FCPS policy and applicable state records retention schedules.

Students attending private schools located within Fairfax County or are home instructed (and remain residents of Fairfax County) who qualify for special education services, but do not receive these services from FCPS are entitled to reevaluations at least every three years or upon parent request. These reevaluations may not occur more than once in a year unless agreed to by the parent and school district. For reevaluation purposes, the student should be evaluated by the base elementary, middle, or high school appropriate for his age and grade placement. The scholastic record should be transferred, as necessary, to the school conducting the reevaluation, which then becomes the student's last school of attendance. The five year retention period begins from the most recent date of eligibility.

## **XII RESPONSE TO SUBPOENA**

FCPS will release student records (without consent) to comply with a judicial order or a lawfully issued subpoena.

- A. When a judicial order or subpoena for student records is received, it shall promptly be referred to the Department of Special Services, Office of Program Support Services, for response.
- B. Before any records are released in response to a judicial order or subpoena, the Office of Program Support Services shall make a reasonable effort to provide notice to the parent(s) or eligible student. The purpose of this notice is to provide the parent(s) or eligible student the opportunity to ask the court to withdraw the request for records (this process is known as "filing a motion to quash"). Notice shall not be provided if the court order specifies that it has been issued "ex parte" or that the subject of the records shall not be notified.
- C. If a motion to quash has been filed, no further action will be taken to respond to the record request until the court has issued its decision.

## **XIII REQUESTS FOR RECORDS NOT RELATED TO A SPECIFIC STUDENT**

Non-scholastic records may be subject to the Virginia Freedom of Information Act (FOIA); see the current version of Regulation 1501. An initial response to a FOIA request must be made within five working days. Promptly provide a copy of any FOIA requests to the Office of Community Relations whose staff will provide guidance in preparing a response.

## Chapter 6 Procedures for Release of Student Records

This chapter outlines step-by-step procedures to be followed when responding to requests for access to records pertaining to a particular student. See the current version of Regulation 1501 for information on how to process requests for non-student specific information.

### **I DETERMINE THE DEADLINE FOR RESPONSE**

- A. FCPS will attempt to comply with requests by parents or eligible students within five working days of the date the request was received. If the request cannot be processed within five working days, the parent or eligible student shall be notified of the need for additional time. A final response shall be provided no later than 45 days from the date the request was received.
- B. Responses to requests by anyone other than the parent or eligible student should be provided within 15 days, but no later than 45 days from the date the request was received.

### **II CONFIRM THAT THE REQUESTOR HAS AUTHORITY TO ACCESS RECORDS**

- A. Before any information is released in response to a request for student records, the requestor's authority to be allowed access to the records must be verified. Chapters 4 and 5 explain the rights of parents, eligible students and others to have access to student records. Any person seeking access to student records may be required to provide appropriate identification, such as a military identification card or a driver's license. In situations where an unfamiliar person is asserting that he or she is the parent of a student, custody orders and birth certificates may be useful in confirming the person's relationship to the student. Schools also may consider contacting the enrolling parent and/or the student who may be able to confirm the identity of the requestor.
- B. Any person other than a parent or eligible student who requests access to student records must provide either:
  - 1. a written consent signed by a parent or eligible student; or
  - 2. sufficient information for FCPS staff to determine that the person may access the student's records without the consent of a parent or eligible student. Refer to Chapter 5 for guidance regarding the circumstances under which persons other than the parent or eligible student may access scholastic records without consent.
- C. Parents or eligible students may provide written consent for others to access scholastic records by:

1. providing a signed document that identifies the student, specifies the records to be released, the reasons for release, and the names of the party or class of parties to whom records will be released; or
2. completing *SS/SE-79, Release of Student Records Authorization* form (see Appendix B).

If the written consent does not identify specific records to be disclosed, access will be given to all records of the student.

Either document must be attached to the *SS/SE-94, Record of Access/Disclosure of Student Records* form (see Appendix B) and must be maintained in the student's file.

### **III COLLECT AND REVIEW THE REQUESTED RECORDS**

- A. Identify and contact all FCPS schools, offices and personnel likely to have records responsive to the request.
  1. A student's education record is not limited to the student's cumulative file. See Appendix A for examples of other types of files that may contain responsive records.
  2. Reminder: These records may include e-mails or documents kept in working or other files that, because of their lack of educational significance, would not ordinarily become part of the student's scholastic record; however, if such e-mails or other documents have not been deleted or discarded prior to the time of the request, they must be provided.
- B. Review records, before disclosure is granted, to determine whether any information must be withheld. Records, or portions thereof, should be withheld if:
  1. The consent does not authorize the information to be disclosed.  
Example: If a written consent specifies that only a limited type of records is to be disclosed, such as a student's grades and attendance records, only those portions of the student's records that contain the type of information specified in the consent can be disclosed.
  2. The responsive record includes directory information and the parent or eligible student has opted out of its disclosure.
  3. The record contains information pertaining to more than one student. Because only information pertaining to the student who is the subject of the request can be disclosed, any information about other students must be withheld.
  4. FCPS has notice of a valid court order that bars the release of the information or that limits the right of the parent or eligible student to authorize others to have the information.
  5. The record belongs to instructional, supervisory, administrative or educational personnel, is in the sole possession of the maker and is not accessible or revealed to any other person (except an individual substituting for the maker as an official temporary replacement).
  6. The record is protected by the attorney-client privilege or the attorney work product privilege.

- C. In cases where information must be withheld from only a portion of a document, the original document should be copied and returned to the file. All information to be withheld should be redacted (“blackened out”) from the copy using a black marker. To ensure that the withheld information is completely obscured, the redacted document should be recopied. The copy of the redacted document is provided to the requestor. The redacted document must be attached to *SS/SE-94 Record of Access/Disclosure* of Student Records form (see Appendix B). The requestor should also be informed of the reason the information was withheld.

#### **IV RESPONDING TO REQUESTS FOR IN PERSON INSPECTION**

- A. Any person, other than FCPS staff inspecting student records must be supervised by staff.
- B. If parents or eligible students bring third parties with them to review records (for example, someone to help translate the documents), the parent or eligible student must provide a written consent authorizing the third party to access the student’s record.
- C. Staff shall inform the person inspecting student records that information from the student scholastic record is released on the condition that the recipient agree not to permit any other party to have access to such information without the written consent of the parent or eligible student. See section V.B. below.
- D. Appropriate staff shall be available to provide explanation, interpretation or translation of record content to parents, eligible students, or others authorized to access records.

#### **V REQUESTS FOR COPIES OF RECORDS**

- A. All original FCPS documents must be maintained in the student’s record. Only copies may be provided in response to any request for records.
- B. The following statement must be included on all transcripts, transmittal letters, or other documents that convey information from a scholastic record to a person or agency outside of FCPS:

“Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or eligible student.”

- C. FCPS may charge for copying student records. Charges will be calculated according to the fee schedule described in the current version of FCPS Notice 2701. No charge may be imposed for searching or retrieving the records.

**VI DOCUMENT RESPONSES TO REQUESTS**

- A. *SS/SE-94 Record of Access/Disclosure of Student Records* form (see Appendix B) should be placed in each type of file at the time of the first request for access to records contained within the file.
- B. The form is to be completed each time a record is disclosed to an individual other than FCPS staff.

Exception: No record will be made of any disclosure made pursuant to a subpoena issued “ex parte” or that specifies that the subject of the records should not be notified.



## Chapter 7 Procedures for Amendment of Student Records and Complaints

A record may be amended if the information in the record is inaccurate, misleading, or violates the privacy or other rights of the student.

- **Note:** FERPA is intended to require only that educational agencies and institutions conform to fair recordkeeping practices and not to override accepted standards and procedures for making academic assessments, disciplinary rulings, placement determinations, and other evaluations. Accordingly, the right to seek amendment of education records cannot be used to challenge a grade or evaluation unless it has been inaccurately recorded.

Parents or eligible students may resolve questions pertaining to a current school year grade that they believe were incorrectly recorded through discussion with the teacher who awarded the grade. FCPS Form IT-4, the Marks Change form (see Appendix B), may be used to document any resulting grade corrections.

### I AMENDMENT PROCESS

- A. Parents or eligible students must provide a written request for amendment of the scholastic record to the principal. The request must identify:
  - The applicable student;
  - The record in question;
  - The specific information that the parent or eligible student believes should be changed;
  - In what way the record is inaccurate, misleading, or violates the privacy or other rights of the student.
- B. The principal (or a designee) will review the material provided by the parent or eligible student. If the record in question contains specialized information (for example, a psychologist's report), the principal must consult with the professional who prepared the information to consider amending, updating, or removing the information. If the principal and the professional are not in agreement as to the decision, the principal must consult with the professional's supervisor prior to making any changes in the record.
- C. The principal or designee may also use other FCPS held information in the decision-making process and may consult with the creator of the record.
- D. The principal or designee shall provide the parent or eligible student with a decision within 10 business days after the request is received.
- E. If the principal or designee decides that the scholastic record should be amended, the record in question may be:
  1. replaced with an updated version of the record;

2. changed to reflect the correct information; or
  3. removed completely from the scholastic record.
- F. If the principal or designee decides that the scholastic record should not be amended, the principal or designee will provide the parent the decision in writing setting forth the reasons for the decision and an explanation of the parent's right to appeal the decision. See Appendix B for sample letter. A copy of the written decision will be placed in the student's file along with the record at issue.

## **II APPEAL PROCESS**

Parents or eligible students may request a hearing to appeal a decision not to amend the scholastic record.

- A. A request for a hearing shall be provided, in writing, to the director, Office of Student Services. The request must identify:
- The applicable student;
  - The record in question;
  - The specific information that the parent or eligible student believes should be changed;
  - An explanation of why the parent or eligible student disagrees with the initial decision to deny the request for amendment.
- B. The director, Office of Student Services may hold the hearing or appoint a designee. The decision maker must not have been involved in the creation of the record in question.
- C. The decision maker will hold a hearing no later than 45 days of the receipt of the request unless the parent or eligible student agrees to a later date.
- D. The parent or eligible student shall be notified in writing at least three business days in advance of the date, time and place of the hearing.
- E. The hearing is informal and is limited to determining if the challenged record or information within the record is inaccurate, misleading or in violation of the student's privacy or other rights.
- F. The parent or eligible student may, at his or her own expense, be assisted by another person, including an attorney.
- G. Either party may present witnesses and/or documentary evidence relevant to the issue.
- H. Within 10 business days of the hearing, a written decision should be issued. The decision shall be based solely on evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision. Any documentary evidence presented by the parent or eligible student shall be attached to the written decision.

- I. If the decision maker agrees that the scholastic record should be amended, the record in question may be:
  - 1. replaced with an updated version of the record;
  - 2. changed to reflect the correct information; or
  - 3. removed completely from the scholastic record.
  
- J. If the decision maker decides that the scholastic record should not be amended, the decision maker will provide the parent or eligible student a written decision setting forth the reasons for the decision and notice of the parent or eligible student's right to place a statement in the record commenting on the contested information and/or stating why he or she disagrees with the hearing decision.
  
- K. The written decision along with any attachments and/or statement from the parent or eligible student shall be placed in the student's record and shall be maintained as long as the record is maintained. If a statement is submitted, it shall be provided along with the contested record whenever the latter is disclosed.

### **III COMPLAINT PROCESS**

Parents or eligible students who wish to file a complaint alleging that FCPS is not in compliance with FERPA should first inform the school principal and/or the director, Office of Student Services of the complaint and work with the school to resolve the matter. If not satisfied with the results, a parent or eligible student may file a written complaint regarding an alleged violation with the Family Policy Compliance Office (FPCO). The FPCO address is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-4605. A complaint must contain the specific allegations of fact giving reasonable cause to believe that a violation of FERPA occurred.

## Chapter 8 Maintenance and Storage

### I RECORDS COLLECTION

It is the responsibility of the principal or the program manager to ensure that scholastic records are developed, maintained, and stored in a confidential manner in a secure location. The principal or program manager has discretion to establish how records will be organized and how they will be stored within the school or office so as to best accommodate the needs of staff to access records to perform their professional responsibilities and to make use of the resources available for storage.

#### A. Recommendations Regarding Organization of Records

FCPS is required to maintain certain records for each of its students. In addition to those records, FCPS creates and maintains many other types of records specific to each student. Section II of this chapter provides an overview of some of the types of student records that may be maintained and the typical file names associated with those types of records.

A cumulative file and a clinic file must be created for each student. Other types of files specific to the student also may be created as the need arises. The files may be kept together or may be stored in various locations as needed to permit necessary access and to maintain security. Student records may also be maintained electronically (for example, SASI) or may be stored in files outside of the standard files described in section II of this chapter (for example, teacher working files). Records relating to a student are still part of the student scholastic record regardless of where they are maintained.

#### B. Recommendations Regarding Storage

The best method to protect scholastic records against damage or loss is to store them in a designated records room within metal cabinets. If this is not possible, other recommended methods of protecting records include storage within locked cabinets, desks, or rooms. When scholastic records are maintained electronically, it is essential to maintain secure control over system passwords, employ system protection features and back up data regularly.

## **II TYPES OF STUDENT FILES**

### **A. Cumulative File**

Each FCPS student must have a cumulative file. This file serves as the primary student scholastic record folder for the student and is used to hold academic, registration, test, and administrative records. See Appendix A for more information about the types of records stored in this file.

### **B. Clinic File**

The school clinic maintains a file for each student that contains items such as the Clinic Card, Emergency Care Information form, Health Information form, and Medication Authorization forms. See Appendix A for more information.

### **C. Disciplinary File**

Disciplinary records are those that document any disciplinary action taken against a student for violation of the Student Responsibilities and Rights (SR&R) or school rules or policies. Disciplinary records must be maintained as part of a student's education record. See Appendix A for more information.

### **D. Special Services File – This file may include:**

- Record of Access/Disclosure of Student Records
- Referral forms
- Local Screening Committee forms
- Permission for testing/evaluation
- Reports of evaluations/assessments, including educational, physiological (medical, speech and language, hearing, vision), psychological, vocational and socio-cultural evaluation or assessment
- Confidential reports from other agencies/institutions
- Eligibility committee decisions
- Individualized education programs (IEPs)
- Manifestation determination review (MDR)
- Administrative review summary (copy)
- Contract Services file

### **E. English for Speakers of Other Languages (ESOL) – This file may include:**

- Anecdotal Records
- Core Assessment Elements
- Optional Assessment Elements
- Initial Assessment Information, Assessment Form
- EAME Evaluation and Summary
- Introductory Questions
- Oral Language Assessment
- Beginning Reading Assessment
- Writing Sample

- Reading Assessment (comprehension passages) used to document the students work in the program

F. Gifted and Talented – This file may include:

- Parent Notification
- Record of Differentiated Services
- Referrals
- Student Data forms related to the student’s program

G. Homebound – This file may include:

- Applications
- Homebound Approval
- Teacher Reports
- Referrals

H. 504 Plan – This file may include:

- 504 screening records
- Section 504 plans
- Causal determination records (discipline cases)

I. Counseling and Guidance Records

Information and records of personal/social counseling shall be kept confidential and separate from a student’s other education records.

J. Home Instruction Records – maintained in Office of Home Instruction

Home instruction, also known as “home schooling,” means instruction of a child or children by a parent or parents, guardian, or other person having control of such child or children, as a full-time alternative to attendance in a public or private school. The Office of Home Instruction shall maintain records of the educational programs of children home-schooled in Fairfax County, as required by the Code of Virginia, including annual notification by the parents of their intent to provide home instruction and supporting documentation, including curriculum and evidence of educational growth and progress.

K. Due Process File – maintained in Office of Monitoring and Compliance

- Administrative review summaries
- Mediation documents
- Hearing records
- Appeal letters
- Complaints to state and federal agencies
- Independent Educational Evaluations

L. Hearings Office files – maintained by the Hearings Office

1. Notices of the Filing of a Petition

Virginia courts provide notice to the Hearings Office whenever a petition is filed alleging that a FCPS student has committed one of several enumerated crimes. Such notices are maintained by the Hearings Office and do not become part of the student's disciplinary or scholastic record unless FCPS takes disciplinary action against the student based upon the incident that formed the basis for the filing of the petition. Generally, the information contained in or derived from such notices is confidential. The Hearings Office may notify the principal of the school in which the student is enrolled of the filing of the petition and the nature of the offense. The principal may disseminate the information to school personnel who have direct contact with the student and need the information to ensure physical safety or an appropriate educational placement or services.

2. Notices of Court Disposition

Virginia courts are required to send notices of adjudication or conviction for certain offenses to the school division a student attended at the time of the disposition, or if not enrolled at that time, at the time of the offense. Such notices are maintained by the Hearings Office and do not become part of the student's disciplinary or scholastic record unless FCPS takes disciplinary action against the student based upon the incident that formed the basis for the adjudication or conviction.

### **III SCHOLASTIC RECORDS HANDLING**

A. Transfer to Another FCPS School

When a student transfers to another FCPS school, the original scholastic record (all components, not just the cumulative file) should be sent to and maintained by the receiving school. FCPS staff must transport scholastic records between FCPS schools. The files are not to be given to parents or students for delivery to the receiving school.

B. Transfer to a Non-FCPS School

FCPS retains the originals of all scholastic records. Only copies may be sent to the receiving school. No release of records authorization is required for FCPS to provide copies of scholastic records to another school where the student is enrolled or plans to enroll. A reasonable attempt must be made to notify the parent or eligible student before the records are transferred.

C. Periodic Review

Student scholastic records should be reviewed (at a minimum) when the student changes school levels within FCPS or transfers to another FCPS school. At this review, documents that are no longer educationally useful should be removed and destroyed in accordance with the record retention schedules detailed in Appendix A. Report cards may be destroyed only if all the grades on the report card are reflected on the student's transcript.

Note: No records are to be destroyed when there is an outstanding request for copies of records or to review them.

D. Update Activities

1. Generate an updated transcript and file in the cumulative folder whenever a student:
  - transfers to another FCPS school,
  - withdraws,
  - graduates,
  - completes a special program, or
  - otherwise exits FCPS as a student.
  
2. After a student has been separated from FCPS for five years, the cumulative file and all *SS/SE-94 Record of Access/Disclosure of Student Records* forms (see Appendix B) should be transferred to Document Management for long-term storage. When preparing the records for transfer, ensure that the final transcript:
  - is legible and contains current information,
  - bears the correct student's legal name,
  - reflects all classes taken and grades earned (including summer school), and
  - identifies the student's exit status (graduation, withdrawal, or completion of program).

At the time of transfer, all other records should be destroyed. See Appendix A for more information.



## Chapter 9 Frequently Asked Questions About Student Records

### FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

1. What is the Family Educational Rights and Privacy Act (FERPA)?
2. Does FERPA control which records must be maintained as part of a student's scholastic record and how long the records must be kept?
3. How does FERPA protect the confidentiality of scholastic records?

### CONTENT OF STUDENT EDUCATION RECORDS

4. What are student education (scholastic) records?
5. What records are not considered education records?
6. Must a document identify a student by name in order to be an education record?
7. Are education records limited to written materials?
8. Are e-mails considered part of a student's education record?
9. Are documents maintained in a working file considered part of a student's education record?
10. What is a sole possession record?
11. What are the attorney-client and attorney work product privileges and how do they apply to records held by FCPS?
12. How does FCPS respond to requests for enrollment from a student who is considered homeless and cannot provide the documents required to enroll in school?
13. What name should be used for a student in his or her scholastic record?
14. Should a school maintain copies of court orders or other documents relating to the custody of the student?
15. What are law enforcement records?
16. Are school health and medical records considered education records?
17. Are test protocols considered to be scholastic records?

### PARENT AND ELIGIBLE STUDENT RIGHTS

18. Who is considered a "parent?"
19. Does divorce or separation affect a parent's FERPA rights?
20. What if a parent objects to the other parent's exercise of his or her FERPA rights?
21. Do stepparents or other caregivers have parental rights under FERPA?
22. Do parents of students over 18 years of age have rights under FERPA?
23. Who is an "eligible student?"
24. What rights exist for a parent or eligible student to inspect and review scholastic records?
25. Do students have the right to access student education records?
26. How does FCPS inform parents and eligible students of their rights regarding student education records?
27. Does FCPS provide the annual notice of rights in the primary or home language of parents whose primary language is other than English?
28. Must FCPS provide a separate copy of the FCPS opt-out forms packet to a noncustodial parent?
29. How does FCPS respond to requests by parents or eligible students to inspect or review the student's scholastic records?
30. May FCPS charge a fee for copies of scholastic records?
31. May an educational agency withhold scholastic records, including report cards, because of nonpayment of fees?
32. May a parent or eligible student request amendment of the student's scholastic record?

## DISCLOSURE OF INFORMATION FROM STUDENT SCHOLASTIC RECORDS

33. May FCPS disclose personally identifiable information from scholastic records to parties other than the parent or eligible student?
34. How long does FCPS have to respond to a request for student records?
35. What actions should FCPS take to verify the identity of a person requesting review of a student's scholastic record?
36. How may a parent or eligible student provide written consent to authorize a third party to have access to the student's scholastic records?
- 36a Sometimes schools are contacted by persons or organizations who, on the parents' behalf, are seeking to obtain information or to engage in a dialogue about the student. Such third parties might include congressional representatives, advocacy organizations, attorneys, or medical personnel. Example: A civil rights advocacy organization acting on behalf of and at the request of the parents sends a letter to the school principal alleging that the school has taken discriminatory action against the student and demanding an explanation. How may the school respond to such requests to discuss with or provide student information to such third parties?
37. May a parent or eligible student provide a "blanket consent" to disclosure?
38. What conditions apply to disclosing directory information?
39. Are schools required to disclose "directory information" to military recruiters?
40. Does the child abuse reporting statute override FERPA protections?
41. May FCPS disclose a student's education records to the Department of Child Protective Services (CPS), to a Court Appointed Special Advocate (CASA), to a court-appointed guardian ad litem or other court appointed service provider?
42. May FCPS disclose student education records to law enforcement agencies such as the Fairfax County Police Department, without written consent?
43. What recordkeeping requirements exist concerning requests?
44. What limitations apply to the re-disclosure of information?
45. What conditions apply to disclosure of information in health and safety emergencies?
46. How does FCPS respond to a subpoena for student records?
47. How does FCPS respond to a request for information that does not concern a specific student?
48. How long does FCPS maintain student scholastic records?

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

### **1. What is the Family Educational Rights and Privacy Act (FERPA)?**

The *Family Educational Rights and Privacy Act* (FERPA) is a federal law designed to protect the privacy of a student's scholastic records. It is also known as the Buckley Amendment. FERPA grants parents and students who are eighteen years of age or older or attending a post-secondary institution the right to review the student's education records and to request the amendment of a record if the parent or the student believes that it is inaccurate, misleading or in violation of the student's privacy rights. The law applies to any public or private educational agency or institution that receives federal funds under any programs administered by the U.S. Department of Education. All public schools, including FCPS, are covered by FERPA.

### **2. Does FERPA control which records must be maintained as part of a student's scholastic record and how long the records must be kept?**

FERPA controls the confidentiality of and access rights to scholastic records. It does not dictate which records must be maintained and for how long. Those questions are answered by the Virginia Public Records Act, Va. Stat. Ann. §§ 42.1-76, et seq. (<http://www.lva.lib.va.us/whatwedo/records/vpra.htm>), the Management of the Student's Scholastic Record in the Public Schools of Virginia, 8 VAC 20-150-20 (<http://www.pen.k12.va.us/VDOB/studentsrvcs/MSSRedit.pdf>), and the Records Retention and Disposition Schedule No. 21 ([http://www.lva.lib.va.us/whatwedo/records/sched local/gS-21.htm](http://www.lva.lib.va.us/whatwedo/records/sched%20local/gS-21.htm)) issued by the Library of Virginia. Chapter 8 of this manual provides information about the requirements of those laws and regulations.

It is important to remember that FERPA allows access not just to the records that the laws of Virginia require FCPS to maintain for students as part of their official scholastic records. It also allows access to any other records directly related to students including informal records that Virginia law does not require us to maintain.

### **3. How does FERPA protect the confidentiality of scholastic records?**

The general rule of FERPA is that all student scholastic records are confidential. FERPA provides that student records may not be disclosed to anyone unless FERPA specifically allows the disclosure. FERPA allows schools to disclose a student's scholastic records to the student's parents or to the student if he or she is 18 years of age or older or is attending a post-secondary school. FERPA specifically designates a limited number of other parties who also may have access to a student's scholastic record. Chapter 5 of this manual lists the designated parties and describes the circumstances under which they may have access.

## **CONTENT OF STUDENT EDUCATION RECORDS**

### **4. What are student education (scholastic) records?**

Student education or scholastic records are those records that are directly related to a student, and are maintained by FCPS or by a party acting for FCPS. The content of the education record should be limited to data needed by the school to assist the student in his or her personal, social, educational, and career development.

Education records (which may be collected orally, in writing, or by electronic means) encompass *all* records maintained by FCPS that contain information on a student, except those records specifically exempted by law. The term “education record” is used in FERPA whereas “scholastic record” is used in the *Code of Virginia*. These terms are used interchangeably in this manual.

#### **5. What records are not considered education records?**

Certain records not considered scholastic records are:

- Records that are kept in the sole possession of the maker and are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- Records that are created and maintained for a law enforcement purpose by the Office of Security, safety/security specialists and assistants, and/or School Resource Officers);
- Records relating to an individual who is employed by FCPS that are made and maintained in the normal course of business; relate exclusively to the individual in that individual’s capacity as an employee; and are not available for use for any other purpose;
- Records relating to an individual in attendance at FCPS who is employed as a result of his or her status as a student;
- Records that only contain information about an individual after he or she is no longer a student at FCPS.

These records are not maintained in the student’s education record files and will not be disclosed in response to a FERPA request. Other laws, however, may provide a right of access. For example, the *Virginia Freedom of Information Act* gives a student employee the right to his or her personnel file.

#### **6. Must a document identify a student by name in order to be an education record?**

No, a document can be considered “personally identifiable information” without identification of the student by name. A personal identifier includes any personal characteristics that would make the student’s identity easily traceable. For example, a student ID number, social security number, his or her initials, or other means.

#### **7. Are education records limited to written materials?**

An education record is any information recorded in any way, including but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, and microfiche. The term “computer media” is intended to cover any manner of maintaining information that is stored through and retrieved by a computer, including information stored on CD-ROM or in an e-mail account. Based on this definition, it is clear that scholastic records must be in some tangible form, or susceptible to reproduction in a tangible form.

**8. Are e-mails considered part of a student's education record?**

If the e-mail directly relates to the student and is maintained by FCPS or by a party acting for FCPS, it would be considered part of the student's education records. E-mails may be deleted when they no longer have educational significance. E-mails that are retained at the time a request for access is made must be made available for inspection or review, even if those e-mails, because of their lack of educational significance, would not ordinarily be maintained as part of the student's scholastic record.

**9. Are documents maintained in a working file considered part of a student's education record?**

If the document directly relates to the student and is maintained by FCPS or by a party acting for FCPS, it would be considered part of the student's education records. This does not include documents that meet the definition of sole possession record or documents protected by the attorney-client privilege or the attorney work-product privilege.

**10. What is a sole possession record?**

A sole possession record is a record that is kept in the sole possession of the maker, is used as a personal memory aid, and is not accessible or revealed to any other person except a temporary substitute for the maker of the record. Sole possession records are not considered to be part of the student's scholastic record and are not required to be released in response to a FERPA request.

**11. What are the attorney-client and attorney work product privileges and how do they apply to records held by FCPS?**

The attorney-client privilege protects from disclosure any communications to, from or with an attorney in which the client is seeking legal advice or the attorney is providing it. The attorney work product privilege protects from disclosure any writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories. The purpose of these privileges is to encourage clients to freely share information with their legal counsel so that the attorneys can provide appropriate advice. This means that any FCPS records (including student scholastic records) that reflect communications between FCPS and its attorneys (the Office of Division Counsel and/or law firms employed by FCPS) or work product of those attorneys shall not be disclosed to anyone who is not an FCPS school official with a need to know. Volunteers are not considered school officials for this purpose.

**12. How does FCPS respond to requests for enrollment from a student who is considered homeless and cannot provide the documents required to enroll in school?**

A student is considered to be homeless when he or she lacks a fixed, regular and adequate nighttime residence. FCPS must immediately enroll homeless students even if they do not have the required documents, such as a birth certificate, school records, medical records, proof of residency or other documents. Schools must obtain records for homeless children from the previous schools they attended and the children must be enrolled while the records are being obtained. The term "enroll" is defined as attending classes and participating fully in school activities. The FCPS Homeless Liaison is available to provide assistance in determining whether a student is in a homeless situation. The liaison also may be of assistance in obtaining vaccination or other medical records for such students.

**13. What name should be used for a student in his or her scholastic record?**

The child's legal name that is on the birth certificate shall be considered the student's official name and shall be entered in the FCPS student record. A court document attesting to a change of name is required before any changes can be made to the student record. Changes of name or other data in a foreign birth certificate must be supported by a document issued by the United States government or by an official identification document of the country of origin. See the current version of FCPS Regulation 2202.

**14. Should a school maintain copies of court orders or other documents relating to the custody of the student?**

When a child's parents are divorced or separated, it is important for school officials to know whether either parent has been restricted or prohibited by the court from exercising parental rights. It is the responsibility of the parents to provide that documentation to the school and to keep the information current. If an administrator is provided with a court order governing divorce, separation, custody or adoption, or a legally binding instrument that denies a parent access to a child or the child's records, the administrator may maintain a copy in the student's file or may make a notation in the student's record referencing the written evidence that was presented and its date.

**15. What are law enforcement records?**

For purposes of this manual, the term "law enforcement records" refers to those records, files, documents, and other materials that are created and maintained by the Office of Security, safety/security specialists and assistants and/or School Resource Officers for a law enforcement purpose. A law enforcement purpose includes ensuring the physical safety and security of people and property in FCPS buildings or grounds and/or the enforcement of any local, state or federal law. Law enforcement records are neither considered disciplinary records nor scholastic records and will not be disclosed in response to a FERPA request.

**16. Are school health and medical records considered education records?**

Any student health and medical records that are maintained by the school are considered education records. This includes information created or maintained by the school nurse or by FCPS service providers (e.g., physical or occupational therapists, psychologists and social workers, athletic trainers) in school clinic files, special education files, counseling files or in student activities and athletic program files.

These records are protected under FERPA, not the Health Insurance Portability and Accountability Act (HIPAA). (HIPAA is a federal law that requires the adoption of security and privacy standards to protect the confidentiality of medical records and other personal health information.) HIPAA specifically excludes education records from the scope of its coverage. Therefore, any disclosure of student health and medical records must be authorized by FERPA.

**17. Are test protocols considered to be scholastic records?**

Test protocols that do not contain personally identifiable information are not scholastic records. Test instruments and interpretive materials that do not contain the student's name

are not considered to be directly related to the student. However, if test protocols contain personally identifiable information about the student, then they are scholastic records that parents have a right to review; however, parents do not have the right to copy them.

For students evaluated for or receiving special education, the Individuals with Disabilities Education Act (IDEA) requires a school to provide, upon request, an explanation, or interpretation of any answer sheet or other scholastic records related to the tests a student has completed. If requested, an explanation of the test protocols also must be provided.

## **PARENT AND ELIGIBLE STUDENT RIGHTS**

### **18. Who is considered a “parent?”**

FERPA defines “parent” as a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. A parent or guardian is considered “absent” if he or she is not present in the day-to-day home environment of the child. Therefore, FCPS will consider an individual, such as a stepparent or other caregiver, to be “acting as a parent in the absence of a parent or guardian” only when the stepparent or caregiver is present on a day-to-day basis in the child’s home environment and the parent is absent. See FAQ #21.

### **19. Does divorce or separation affect a parent’s FERPA rights?**

As specified by section 20-124.6 of the *Code of Virginia* and FERPA, FCPS shall give full rights to either parent, unless FCPS has been provided with evidence that there is a court order or other legally binding document that specifically prohibits access to education records. It is the responsibility of the party who is seeking to restrict the parent’s access to education records to obtain and to provide a court order or legally binding document to FCPS.

### **20. What if a parent objects to the other parent’s exercise of his or her FERPA rights?**

Only a court order or legally binding document may restrict either parent’s exercise of his or her rights under FERPA (e.g., to access student records, consent for others to have access, request an amendment to the records). If a parent believes that the other parent should not be allowed to exercise these rights, the parent must obtain a valid court order that specifically addresses and limits the other parent’s rights. (A visitation schedule or a custody order, unless it specifically addresses and limits a parent’s right to the student’s records, does not restrict a parent’s FERPA rights.) If a parent has not provided FCPS with a copy of such a court order or other legally binding document, FCPS has no basis to deny the other parent’s request to exercise his or her rights under FERPA.

### **21. Do stepparents or other caregivers have parental rights under FERPA?**

Stepparents and other caregivers do not have access to student education records unless a parent, a legal guardian or an eligible student has consented in writing to that access. The written consent may specify that the stepparent or other caregiver be granted access on a continuing basis.

In exceptional circumstances, a stepparent or other caregiver may be granted access to student education records without consent if the stepparent or other caregiver is “acting as a

parent in the absence of a parent or guardian.” For this exception to apply, the parent or guardian must be absent from the day-to-day home environment of the child and the stepparent or other caregiver must be residing with and caring for the child. If the parent or guardian is absent, but is in a position to provide written consent, it is recommended that such consent be obtained before the stepparent is granted access to student scholastic records.

A stepparent may also be allowed access to student education records without written consent if they have a need to know in health and safety emergencies. See FAQ # 45.

## **22. Do parents of students over 18 years of age have rights under FERPA?**

Parents lose their FERPA rights when their child turns 18, or starts attending a postsecondary institution, if that happens first. However, FCPS may disclose scholastic records to the parents of an eligible student, who is over 18 or enrolled in a postsecondary institution, without the eligible student’s consent if the eligible student is considered a dependent for income tax purposes. The term “dependent” is defined in section 152 of the Internal Revenue Code (26 U.S.C. § 152).

A parent of a student with a disability who is 18 may retain his or her rights provided that a court has determined the student to be legally incompetent or legally incapacitated and has granted a guardianship to the parent. It is the responsibility of the parent or other individual named as guardian to provide FCPS with a court order or other legally binding document establishing his or her rights.

## **23. Who is an “eligible student?”**

“Eligible student” means a student who has reached 18 years of age or is attending an institution of postsecondary education. The parents of an eligible student no longer have rights to access the student’s education record, to provide written consent for others to have access, or to request an amendment to the record. A parent may retain the right of access so long as the eligible student is considered a dependent for income tax purposes.

## **24. What rights exist for a parent or eligible student to inspect and review scholastic records?**

Parents and eligible students have the following rights regarding inspection and review of the student’s scholastic records:

- The right to inspect and review the scholastic records of their children. When a scholastic record pertains to more than one child, parents have the right to inspect and review, or be informed only on that part of the record or document that relates to their child. Eligible students also have a right to inspect and review their scholastic records.
- The right to inspect or review scholastic records of a child with a disability without unnecessary delay and before any meeting regarding an IEP, or any hearing as required by the Individuals with Disabilities Education Act (IDEA). The IDEA also allows the parent to have a representative inspect and review the records.
- The right to (1) request that FCPS correct or delete data that the parent or eligible



student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, (2) a hearing to challenge an FCPS decision denying such a request to amend the student's record, and (3) insert a written explanation into the student scholastic record stating the reason for objecting to the content of the record.

- The right to annual public notice of parent rights and designated categories of directory information and the opportunity to opt of the release of directory information.
- The right to copies of scholastic records if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's scholastic records, e.g., parents who live outside of Fairfax County or a parent with a serious illness who is unable to review the records in person. In addition, parents are entitled to receive copies, upon request, of records that are disclosed to another school that their child is attending or plans to attend.
- The right to a response to reasonable requests for explanations and interpretations of the scholastic records.

**25. Do students have the right to access student education records?**

With the exception of eligible students (see FAQ # 23), students do not have the right to access their own student education records unless the student's parent provides written consent for the disclosure. Students also should not be given access to student education records pertaining to other students. Students, therefore, should not be allowed to engage in activities that would give them access to such records. For example, student volunteers should not be assigned to file documents that contain student information.

**26. How does FCPS inform parents and eligible students of their rights regarding student education records?**

FCPS provides notice to parents and eligible students of their rights under FERPA at the beginning of each school year through the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights and Opt-Out Forms and Explanations (the FCPS opt-out forms packet).

**27. Does FCPS provide the annual notice of rights in the primary or home language of parents whose primary language is other than English?**

The current version of the FCPS opt-out forms packet is available in English on the FCPS public website at <http://www.fcps.edu/forms.htm>.

This information also is available in Arabic, Chinese, Farsi, Korean, Spanish, Urdu and Vietnamese from the Office of Language Services and on the FCPS intranet at <http://fcpsnet.fcps.k12.va.us/ssse/translations.htm>.

**28. Must FCPS provide a separate copy of the FCPS opt-out forms packet to a noncustodial parent?**

FCPS provides a copy of the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights and Opt-Out Forms (the FCPS opt-out forms packet) to the enrolling parent. It is the responsibility of the enrolling parent to furnish this information to the other parent of

the student. FCPS will provide an additional copy to the other parent upon request.

**29. How does FCPS respond to requests by parents or eligible students to inspect or review the student's scholastic records?**

FCPS has established procedures for processing such requests. See Chapter 6 for more information.

**30. May FCPS charge a fee for copies of scholastic records?**

FCPS may charge a reasonable copy fee unless imposition of such a charge would prevent a parent or enrolling student from exercising his or her right to inspect and review the scholastic records. (It is FCPS policy to provide the parent(s) with whom the child resides with one copy of all student scholastic records at no charge; charges may be imposed for additional copies.) The fee may include costs associated with reproduction, secretarial or administrative time, and postage. Charges associated with responding to a request for student scholastic records are calculated in accordance with the current version of Notice 2701, Schedule of Fees for Duplicating Student Scholastic Records.

FCPS does not impose fees to search for and retrieve the scholastic records of a student. The Virginia Freedom of Information Act (FOIA), however, allows search fees to be imposed in connection with requests for other types of school division records.

**31. May an educational agency withhold scholastic records, including report cards, because of nonpayment of fees?**

Section 22.1-6 of the *Code of Virginia* states that no student's scholastic record, report card or diploma shall be withheld because of nonpayment of any fee or charge.

**32. May a parent or eligible student request amendment of the student's scholastic record?**

FERPA provides that a record may be amended if the information in the record is:

- Inaccurate;
- Misleading; or
- Violates the privacy rights of the student.

Note: FERPA is intended to require only that educational agencies and institutions conform to fair recordkeeping practices and not to override accepted standards and procedures for making academic assessments, disciplinary rulings, placement determinations, and other evaluations. Accordingly, the right to seek amendment of education records cannot be used to challenge a grade or evaluation unless it has been inaccurately recorded.

If FCPS declines to amend the record, the parent or eligible student has the right to request a hearing and/or to place a statement in the student's scholastic record explaining why he or she disagrees with the FCPS decision. FCPS has established procedures for responding to requests to amend scholastic records. See Chapter 7 for more information.

## DISCLOSURE OF INFORMATION FROM STUDENT SCHOLASTIC RECORDS

### 33. May FCPS disclose personally identifiable information from scholastic records to parties other than the parent or eligible student?

Before personally identifiable information is disclosed from a student's scholastic record, the parent or eligible student shall provide a signed and dated written consent. A written consent must specify the records to be disclosed, the purpose of the disclosure, and the party or parties to whom disclosure may be made. *SS/SE-79, Release of Student Records Authorization* form (see Appendix B), may serve as a written consent.

However, FERPA specifically designates certain parties to whom data may be disclosed without the prior written consent of the parent or eligible student. Those parties, and the conditions under which they are allowed access to the scholastic record, are as follows:

- To school officials within FCPS who have legitimate educational interests in the records;
- To officials of another school, school system, or institution of postsecondary education in which the student intends to enroll;
- To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, or state or local educational authorities;
- To state and local officials or authorities to whom the information is allowed to be reported or disclosed pursuant to a state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or after November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and the officials and authorities to whom such information is disclosed certify in writing to the educational institution that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent of the student;
- To a party when the disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, the amount of the aid, the conditions of the aid, or enforce the terms and conditions of the aid ("Financial aid" means payment of funds to an individual, or a payment in-kind of tangible or intangible property to an individual, that is conditioned on the individual's attendance at an educational agency or institution);
- To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student-aid programs; or improve instruction. FCPS may disclose information only if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organizations, and the information is destroyed when it is no longer needed for the purposes for which the study was conducted;

- To accrediting organizations to carry out their accrediting functions;
- To parents of a student who qualifies as a dependent for income tax purposes (even if the child is 18 or enrolled in a postsecondary school);
- To a party to comply with a judicial order or lawfully issued subpoena; FCPS may disclose information only if a reasonable effort has been made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action unless the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
- To a court, if FCPS has initiated legal action against a parent or student or if a parent or student has initiated legal action against FCPS, and the records disclosed are relevant to the legal action;
- To a party that has requested personally identifiable information needed in connection with a health or safety emergency;
- To a party that has requested information the educational agency has designated as “directory information.”

**34. How long does FCPS have to respond to a request for student records?**

FCPS will attempt to comply with requests from parents or eligible students within five working days of the day the request is received. If the requested documents cannot be collected and a response prepared within five working days, the parent or eligible student shall be notified of the need for additional time. A final response shall be provided no later than 45 days from the date the request was received.

Responses to requests by anyone other than the parent or eligible student shall be provided within fifteen days, but no later than 45 days from the date the request was received.

See Chapter 6 of this manual for more information about how to process requests for student scholastic records.

**35. What actions should FCPS take to verify the identity of a person requesting review of a student’s scholastic record?**

FCPS will not release scholastic records to any party unless the principal or program manager responding to the request is satisfied that the party seeking access is authorized. In situations where an unfamiliar person is asserting that he or she is the parent of a student, custody orders and birth certificates may be useful in confirming the person’s relationship to the student. Schools may also consider contacting the enrolling parent and/or the student who may be able to confirm the identity of the requester.

**36. How may a parent or eligible student provide written consent to authorize a third party to have access to the student's scholastic records?**

A written consent to disclose student scholastic records must be a signed document that:

- Identifies the student;
- Specifies the records to be disclosed;
- States the purpose of the disclosure;
- Identifies the party or class of parties to whom the disclosure may be made.

No particular format is required so long as the written consent is signed and contains the necessary elements. Parents and eligible students may use *SS/SE-79, Release of Student Records Authorization* form (see Appendix B) to provide written consent for FERPA disclosures. If the written consent does not identify specific records to be disclosed, access will be given to all records of the student.

**36a. Sometimes schools are contacted by persons or organizations who, on the parents' behalf, are seeking to obtain information or to engage in a dialogue about the student. Such third parties might include congressional representatives, advocacy organizations, attorneys, or medical personnel. Example: A civil rights advocacy organization acting on behalf of and at the request of the parents sends a letter to the school principal alleging that the school has taken discriminatory action against the student and demanding an explanation. How may the school respond to such requests to discuss with or provide student information to such third parties?**

In this situation, the school must have the written consent of a parent before it may provide information about the student to the advocacy organization. It is not enough that the advocacy organization has received informal or oral consent from the parents to draft the letter. See FAQ #36 for additional information on written parental consents. Staff may pursue either of two options to obtain this written consent: (1) Staff may contact the parent and request that he or she provide written consent to allow FCPS to disclose student record information to the third party; or (2) Staff may respond directly to the third party acknowledging receipt of the communication and requesting that the third party provide FCPS with the written consent of a parent to allow a substantive response, including student record information, to be provided. Staff may use the following language in its response to third parties requesting such information:

This is to acknowledge receipt of your letter dated \_\_\_\_\_. Please understand that the Family Educational Rights and Privacy Act, 20 USC 1232g, (FERPA) requires FCPS to maintain the confidentiality of information and records about its students. FERPA allows that a parent may authorize a third party, such as your organization, to have access to a student's educational record by providing a signed and dated written consent to the student's school. Enclosed please find a copy of FCPS Form SS/SE-79 which may be used for this purpose. Upon receipt of this completed consent form, FCPS will be able to provide you with a response to your inquiry. Please note any student record information that is provided to you pursuant to a written consent may be used only for the purpose stated in the consent and may not be re-disclosed by you without the consent of the parent. Thank you for your cooperation.

Staff should not include any other information about the student, or any details about the questions raised in the third party's letter, until the written and signed consent has been received.

Although the disclosure of student specific information is prohibited until a written consent is received, staff may provide the third party with other general information about FCPS practices and procedures if appropriate. Example: An advocate contacts the school at the request of a parent complaining about discipline imposed on a specific student and alleging that FCPS fails to provide students with adequate notice of school rules. Until written consent from the parents is received, staff may not disclose any information about the student's disciplinary incident. Staff may, however, provide the third party with a copy of the Student Responsibilities and Rights booklet and an explanation of how FCPS disseminates this information to all students.

### **37. May a parent or eligible student provide a "blanket consent" to disclosure?**

Parents and eligible students may, in a single consent form, authorize disclosure to several parties. Parents and eligible students also may use a single written consent to authorize a party or parties to have continuing access to the student's scholastic record. In either case, the signed consent must conform to FERPA's requirements: it must identify the student, specify the records to be disclosed, state the purpose of the disclosure and identify the party or class of parties to whom the disclosure may be made.

### **38. What conditions apply to disclosing directory information?**

Directory information is routine information that generally is not considered harmful to disclose. (Note: School yearbook photos are included in this category.) Consequently, this kind of information may be included in school publications and disclosed to outside organizations without the parent's prior written consent – unless the parent has opted out of such disclosure.

The FCPS definition of "directory information" is set forth at the beginning of each school year in the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights, and Opt-Out Forms (the FCPS opt-out forms packet) that is sent to each family. For students currently enrolled in FCPS, the decision to opt out of the release of directory information applies only to the current school year. If a student withdraws or graduates from FCPS, however, FCPS will continue to honor the last opt-out decision made while the student attended FCPS, unless FCPS is notified that the choice has been rescinded.

Any disclosure of directory information must be made in accordance with the current school year's definition of directory information. Changes to the definition of "directory information" may occur annually and are published in the opt-out packet. Therefore, it is important to review the current version of the FCPS opt-out forms packet's definition of directory information before any information is released. The current version may be found on the FCPS public website at <http://www.fcps.edu/forms.htm>.

For the 2008-09 school year, FCPS defines "directory information" as including, but not limited to:

- Name, including nickname
- Participation in officially recognized activities and sports

- Height and weight, if a member of an athletic team
- Attendance record
- Awards and honors
- School and grade
- Photographs and other images
- Name of parent/guardian/individual with whom student lives
- Birth date (for limited purposes only—see below)
- Student gender and primary/home language (for limited purposes only—see below)
- Address and phone number (for limited purposes only—see below)

Public disclosure of directory information may be made in various ways. The following are examples of FCPS publications that frequently are made available to the public:

- School yearbooks (photos)
- Team rosters and class lists
- Graduation, theater, athletic, and music programs
- Videos of performances, school activities and athletic events
- Articles about school activities and athletic events
- Lists of those receiving honors, awards, and scholarships

These types of publications are available to anyone within the FCPS community and to the general public (including the press).

Unless a student has been opted out of the release of directory information or the disclosure is otherwise authorized by law, FCPS may exercise its discretion to release such information without obtaining parent consent. For example: Staff may verify in writing or by telephone that a student attended an FCPS school, whether he or she graduated, and when (year or semester, not specific day) he or she left FCPS. These disclosures consist only of directory information items listed in the definition and, unless an opt-out decision has been made, do not require prior parent consent to release. Student information not included in the directory information definition, such as grades, may not be disclosed unless otherwise authorized. See section II of this chapter for information about parties authorized to access such information.

FCPS has designated certain directory information items as subject to release for limited purposes only (see definition above). FCPS does not release student birth date, gender, primary/home language, addresses and phone numbers to the press or the general public, even though it is directory information. FCPS will disclose these information items only to certain designated organizations.

Unless a student is opted out of the disclosure of such information, FCPS will provide student address and home telephone number to school-related organizations, such as PTAs or booster organizations. Those organizations may use such information to publish student directories (either electronic or paper) and to contact families about school-related activities.

Unless a student is opted out of the disclosure of such information, FCPS will release student birth date, gender, primary/home language, addresses and phone numbers to state and county agencies to assist in the provision of services. Please note that even if a parent has decided to opt out of the release of directory information to such agencies, FCPS may release this information to such agencies if the release is otherwise authorized by law. See

section II of this chapter as well as Chapter 9, Frequently Asked Questions ## 33, 40, 41 and 42, for information about such authorization.

See FAQ #39 for information about the disclosure of directory information to military recruiters.

**39. Are schools required to disclose “directory information” to military recruiters?**

Federal law requires FCPS to release the names, addresses and telephone numbers of secondary school students to military recruiters who request that information. Parents or the student (even if the student is not 18) may opt out of the release of this information. A parent or student decision to opt-out of this release of information remains in effect until it is rescinded by a parent, regardless of whether the original opt-out decision was made by a parent or by the student.

**40. Does the child abuse reporting statute override FERPA protections?**

Section 63.1-1509 of the *Code of Virginia* requires any teacher or other person employed in a public or private school, kindergarten, or nursery school to report suspected abuse or neglect immediately. Any suspicions of abuse or neglect should be reported immediately to the school principal who shall contact the Department of Child Protective Services. The federal *Child Abuse Prevention and Treatment Act* (CAPTA) authorizes the disclosure of the education records of the student who is a suspected victim of abuse to CPS, as needed, in connection with such reports.

**41. May FCPS disclose a student’s education records to the Department of Child Protective Services (CPS), to a Court Appointed Special Advocate (CASA), to a court-appointed guardian ad litem or other court appointed service provider?**

With the exception of the disclosure to CPS addressed in FAQ #40, CPS workers, CASA workers, court-appointed guardians ad litem or other service providers (for example, a psychologist appointed by the court to evaluate the student) may have access to student education records under the following conditions:

- They present a court order, subpoena or other legally binding document granting such access; or
- A parent has provided a written consent authorizing such access; or
- The information is needed to enable the requester to handle an emergency situation that poses a serious threat to the health or safety of the student or others (See FAQ # 45); or
- The request is for directory information.

There are state statutes that specify that CPS and CASA may have access to student records. Because the requirements of FERPA take precedence over those state statutes, those statutes cannot be used to authorize disclosures that FERPA would not allow.

**42. May FCPS disclose student education records to law enforcement agencies such as the Fairfax County Police Department, without written consent?**

Law enforcement agencies may have access to student education records under the following conditions:



- They present a court order, subpoena or other legally binding document granting such access; or
- The information is needed to enable the law enforcement personnel to handle an emergency situation that poses a serious threat to the health or safety of the student or others; or
- The request is for directory information.

There is a state statute that specifies that state or local law enforcement or correctional personnel, including a law enforcement officer, probation officer or administrator, or a member of a parole board may have access to student records in the course of his or her duties. Because the requirements of FERPA take precedence over that state statute, the state statute cannot be used to authorize disclosures that FERPA would not allow.

The Office of Security, safety/security specialists and assistants, and School Resource Officers may disclose records they have created and maintained for a law enforcement purpose to the Fairfax County Police Department and other law enforcement agencies. Such records are not considered student education records and are not protected from disclosure by FERPA.

#### **43. What recordkeeping requirements exist concerning requests and disclosures?**

*SS/SE-94, Record of Access/Disclosure of Student Records* form (see Appendix B), should be placed in each type of file at the time of the first request for access to records contained in the file.

- Any entry shall be made to the form to record each request for access to and each disclosure of personally identifiable information from the scholastic records of each student. Written consents shall be attached to the form.
- This requirement does not apply to:
  - access by or disclosure to school officials;
  - disclosures made to comply with a subpoena or court order that specifies that the order has been issued “ex parte” or that the subject of the record shall not be notified.

#### **44. What limitations apply to the re-disclosure of information?**

FCPS may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not “re-disclose” the information to any other party without documentation of prior consent of the parent or eligible student. The third party who receives the information may use the information only for the purposes for which the disclosure was made. If FCPS determines that the third party improperly disclosed information from scholastic records, FCPS may not allow that third party access to personally identifiable information for at least five years. Any violation of the re-disclosure restrictions may be reported to the director of the Office of Student Services.

The following statement must be included on all transcripts, transmittal letters, or other documents that convey information from a scholastic record to a person or agency outside of FCPS:

“Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or eligible student.”

#### **45. What conditions apply to disclosure of information in health and safety emergencies?**

FCPS may disclose personally identifiable information from an education record, including disciplinary records, without consent to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons. The following factors should be taken into account in determining whether records may be released:

- The seriousness of the threat to the health or safety of the student or other persons.
- The need for such records to meet the emergency.
- Whether the persons to whom such records are released are in a position to deal with the emergency.
- The extent to which time is of the essence in dealing with the emergency.

When assistance is needed, the principal or his or her designee may confer with the director, Office of Student Services in making this decision.

FCPS may disclose information regarding disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students or other members of the school community to FCPS school officials, or to school officials in other school divisions, who FCPS has determined have a legitimate educational interest in the behavior of the student.

#### **46. How does FCPS respond to a subpoena for student records?**

FCPS will release student records without consent to comply with a judicial order or a lawfully issued subpoena.

- When a judicial order or subpoena for student records is received, it shall promptly be referred to the Department of Special Services, Office of Program Support Services, for response.
- Before any records are released in response to a judicial order or subpoena, the Office of Program Support Services shall make a reasonable effort to provide notice to the parent(s) or eligible student. The purpose of this notice is to provide the parent(s) or eligible student the opportunity to ask the court to withdraw the request for records (this process is known as “filing a motion to quash”). Notice shall not be provided if the court order specifies that it has been issued “ex parte” or that the subject of the records shall not be notified.
- If a motion to quash has been filed, no further action will be taken to respond to the record request until the court has issued its decision.

**47. How does FCPS respond to a request for information that does not concern a specific student?**

FERPA provides parents, eligible students and other authorized individuals with access to those records that pertain to a specific student. The Virginia Freedom of Information Act (FOIA) grants access to other kinds of FCPS records – with some specified exceptions – to any Virginia resident or media representative. Any request for information maintained by FCPS that does not pertain to a particular student should be considered a FOIA request. A FOIA request need not be in writing nor must it reference the FOIA. FOIA requests should be processed in accordance with the current versions of FCPS Policy and Regulation 1501. A copy of any FOIA request should be provided promptly to the Office of Community Relations whose staff will provide guidance in preparing a response. FCPS is required to respond to FOIA requests within five working days of receipt.

Note: A requester need not specify that a request is made under the FERPA or the FOIA; rather, whether a request for records should be processed under the FERPA or the FOIA (or both) depends on the type of records being requested.

Example: A member of the public requests information pertaining to enrollment projections for the upcoming school year. The request is not a FERPA request because it does not pertain to records of individual students. The requester is seeking information that may be accessible under the FOIA. A response should be coordinated with the Office of Community Relations.

Example: A parent submits, to his child's school, a request for copies of his child's special education records. The parent also requests information about a recent school board meeting at which funding for a special education program was discussed. The request for the student's records falls under the FERPA and should be processed by the school in accordance with procedures set forth in Chapter 6 of this manual. The request for information about a school board meeting constitutes a FOIA request because it does not involve information specifically concerning the parent's child. A response to that portion of the parent's request should be coordinated with the Office of Community Relations.

**48. How long does FCPS maintain student scholastic records?**

The Library of Virginia issues the Records Retention and Disposition Schedule No. 21, which sets rules regarding how long schools must retain certain types of student records. The retention schedule varies depending on the type of record. Appendix A of this manual provides more information about how the Records Retention and Disposition Schedule applies to scholastic records maintained by FCPS.

**APPENDIX A**  
**Organization of Student Scholastic Records**

The following tables are useful in determining which documents are best kept within the various files of the student scholastic record. The left column details the documents to be maintained in a specific file. The column to the right defines how long the item is kept before destruction. This list is not intended to be all-inclusive. The retention key can be found at the end of this section.

Documents marked with an \* can be "Batch Filed" which means that a school may file together in one place all of the records for that school year and purge them when replaced by a new set the following year. However, the last copy received regarding a student should be retained in the cumulative file.

**Table 1**

<b>Cumulative File</b>	
<b>Record Type</b>	<b>Retention</b>
Record of Access/Disclosure of Student Records – Attach all authorizations and written consents	75 G/W
<i>Report Cards/Progress Reports</i>	
K-3	Purge one year after grades appear on transcript
K-3 Achieve Record	Purge prior to transfer to middle school
4-6	Purge one year after grades appear on transcript
7-12	one year after grades appear on transcript
<i>Transcripts</i>	
Final Marks Card	75 G/W
Kindergarten (attendance only through FY94)	
Grades 1-6 (through FY94)	
Middle (grade 6 only through FY94)	
Grades 1-6 (FCPS marks only)	75 G/W
Grades 7-8	75 G/W
Grades 9-12	75 G/W
Grades from other school systems	75 G/W
Professional Technical Studies Competency Record	75 G/W
ECAP folder	End of 3 <sup>rd</sup> grade (or 3 years after Kindergarten if student has withdrawn)
Student Support Process Portfolio	5G/W
<i>Health (blue folder within CUM)</i>	
Annual Health Data (retain last copy)*	Superseded (last copy) 5 G/W
Cumulative Health Record (retain last copy)*	Superseded (last copy) 5 G/W
Individual Health Record (retain last copy)*	5 G/W
May Physical Fitness Test (retain last copy)*	Superseded (last copy) 5 G/W
Medication Chart	CY+1

*Fairfax County Public Schools  
Student Scholastic Records Manual*

Physical examination from another school that meets	5 G/W
School Entrance Physical Examination and Immunization	75 G/W
Verification of Immunization (required for transfer students)	75 G/W
<i>Test Scores</i>	
College Entrance Test Scores	5 G/W
Virginia Standards of Learning (SOL) results	75 G/W
Student Test Record	5 G/W
Virginia Literacy Passport Test Pass/Fail Status	75 G/W
<i>Registration</i>	
Home Language Survey	5 G/W
Proof of Birth Affidavit	5 G/W
Residency Affidavit	5 G/W
Student Registration	5 G/W
<i>Nonacademic</i>	
Activity Record	5 G/W
Appeals (except discipline)	5 G/W
18-Year-Old Declaration	5 G/W
Checklist for Enrollment	5 G/W
ESOL Program Exit or Refusal of Services	1 year after exit/withdrawal from program
Refusal of ESOL Services	5 G/W
Fine and Gross Motor Screening	5 G/W
Multipurpose Referral	5 G/W
Rules of Conduct Signature Sheet (retain last copy)	5 G/W
Local Screening Committee Form (decision not to test)	75 G/W
Termination Information (graduation/withdrawal)	5 G/W
Kindergarten ESOL Assessment Summary	5 G/W
ESOL SASI Data Update Form	5 G/W
Dual Language Assessment Report	5 G/W
Missing Child Notification	Until resolved
Custody Actions	Superseded
Subpoenas (copy)	CY

**Table 2**

<b>Clinic File</b>	
<b>Record Type</b>	<b>Retention</b>
Annual Health Data (batch file)*	Superseded (last copy) 5 G/W
Clinic Card	5 G/W
Clinic Roster	CY+1
Cumulative Health Record (batch file)*	Superseded (last copy) 5 G/W
Emergency Care Information (copy)*	Superseded
Health Information Form	Superseded/1
HIV Related Information	Superseded
May Physical Fitness (batch file)*	CY
Medication Authorizations	Superseded (last copy) 5 G/W
Medical Flag Information	Superseded (last copy) 5 G/W

**Table 3**

<b>Special Education File</b>	
<b>Record Type</b>	<b>Retention</b>
Record of Access/Disclosure of Student Records	5 G/W
Referrals	5 G/W
Local Screening Committee Forms (decision to test)	5 G/W
Permission for Testing/Evaluation	5 G/W
Eligibility Committee Decisions	5 G/W
<i>Evaluations/Assessments</i>	
Social Case History	5 G/W
Psychological	5 G/W
Educational	5 G/W
Speech and Language	5 G/W
Other Related Service Evaluations	5 G/W
Vision	5 G/W
Hearing	5 G/W
Medical	5 G/W
Vocational	5 G/W
Confidential Reports from Other Agencies/ Institutions/Professionals	5 G/W
Individual Education Programs (IEPs)	5 G/W
Educational and Career Planning Portfolio	5 G/W
Manifestation Determination Reviews	5 G/W



**Table 4**

<b>Special Services File</b>	
<b>Record Type</b>	<b>Retention</b>
<i>Homebound</i>	
Application	Audit+5
Homebound Teacher Reports	Audit+5
Referral	Audit+5
<i>504 Plan</i>	
504 Plan	5 G/W
Referral Qualification	5 G/W
Determination Documentation	5 G/W
Screening Related Correspondence	5 G/W
<i>English for Speakers of Other Languages (ESOL)</i>	
ESOL Entry Assessment Information	Forward to ESOL Office after graduation, withdrawal, or completion of program
ESOL Student Assessment Summary Form	
EAME Mathematics Evaluation	
EAME Evaluation Summary	
Oral Assessment	
Writing Sample	
Developmental Reading Assessment	
Qualitative Reading Inventory	
DRP Answer Sheet	
Kindergarten Readiness Assessment	
<i>Annual Required ESOL Assessment</i>	
Oral Assessment	
Writing Assessment	
Reading Assessment	
Kindergarten ESOL Assessment	
Optional Assessment Elements	

<i>Gifted and Talented</i>	
Parent Notification	5 G/W
Record of Differentiated Services	5 G/W
Referrals	5 G/W
Student Data Form	5 G/W
Gifted Behavior Rating Scale	5 G/W

**Table 5**

<b>Discipline File</b>	
<b>Record Type</b>	<b>Retention</b>
<i>Incident Report/Suspension</i>	
Attitude	5 years after incident
Fighting	5 years after incident
Insubordination	5 years after incident
School Referrals	5 years after incident
<i>Expulsion/Exclusion (final expulsion file maintained at central Hearings Office)</i>	
Decisions	5 G/W
Letters	5 G/W
Record Reviews	5 G/W
<i>Truancy</i>	
Court Petitions	5 G/W
Furlough Records	5 G/W
Referral(s) to Attendance Officer	5 G/W
Release from Compulsory Attendance	5 G/W

**Table 6**

<b>Expulsion File (Maintained at Hearings Office)</b>	
<b>Record Type</b>	<b>Retention</b>
<i>Expulsion/Exclusion</i>	
Reassignment Packet	5G/W

**Table 7**

<b>Due Process File (Maintained at Office of Monitoring and Compliance)</b>	
<b>Record Type</b>	<b>Retention</b>
Administrative Reviews	5 G/W
Mediation Record	5 G/W
Court Records	5 G/W
Decisions	5 G/W
Hearing Transcripts/Records	5 G/W
Support Documentation	5 G/W
Notices of Petition and Adjudication – Transfer to Discipline File if Applicable	If action taken: 5 G/W If not action taken: 5 years after incident
Federal and State Complaints	5 G/W

**Table 8**

<b>Retention Key</b>	
<b>Retention periods are reprinted from the Records Management Manual (Regulation 6701)</b>	
5 G/W	Retain 5 years after graduation or withdrawal
75 G/W	Retain 75 years after graduation or withdrawal
Audit+5	Retain 5 years after audit is conducted and closed
CY	Retain for the current year
CY+ (1, 5, etc.)	Retain for the current year plus the number of additional years noted
Superseded	Retain until the record is updated or replaced and destroyed
Superseded/1	Retain until the record is updated or replaced. If not updated or replaced, retain until administrative purpose is complete and destroy.
Purge	Remove from cumulative file and destroy
P	Permanent retention; record will be microfilmed 5 G/W. Place in the cumulative file.
Educational Useful 1 G/W	Retain until no longer educationally useful but no longer than one year after graduation or withdrawal
ADM/3	Retain until administrative purpose is complete but no longer than three years
Until Resolved	Remove from cumulative file when the child is no longer missing or, if not resolved, retain 5 G/W

**APPENDIX B**  
**Forms for Use with Student Records**

Consent for Release of Education Records (SS/SE-79) ..... 63  
Record of Access/Disclosure of Student Records (SS/SE-94)..... 64  
Request for Student Records (SS/SE-75) ..... 65  
Marks Change (IT-4) ..... 66  
Sample Letter Notifying Parent of Decision to Amend a Student Record..... 67



## Consent for Release of Education Records

I understand that a student's education records are confidential and may only be disclosed as allowed by the Family Educational Rights and Privacy Act of 1974, or with the written permission of the student's parent or legal guardian, or of the student (if over 18 or attending a postsecondary school).

I request that Fairfax County Public Schools provide copies of, or access to, education records as specified below:

Student's full name (as it appears on the education records):	Student's Date of Birth:
Provide <input type="checkbox"/> Access to <input type="checkbox"/> Copies of records to: (list the name of the person and an address if copies are to be mailed)	
The named individual may have access to, or copies of, the following types of records from the student's education files. (If you do not identify specific records, FCPS will provide access to the entire education record.)	
I authorize the named individual to have access to, or copies of, these records for the purpose of:	

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Printed name of signatory

I am:  the parent of the named student  the legal guardian of the named student  the student





## Record of Disclosure of Student Record

Student Information

Last name	First	Middle	Date of Birth:	Student ID:
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Complete and place this form in the student's file only when records are disclosed to an individual other than FCPS staff (clinic staff are considered FCPS staff for this purpose). Attach any signed releases to this form. (See the "Management of the Student Scholastic Record" manual for additional information.)

Date of request or disclosure	Name and Title of person	Organization person represents
Purpose of disclosure	Justification for disclosure without permission	Disclosure: <input type="checkbox"/> Provided <input type="checkbox"/> Denied _____

Date of request or disclosure	Name and Title of person	Organization person represents
Purpose of disclosure	Justification for disclosure without permission	Disclosure: <input type="checkbox"/> Provided <input type="checkbox"/> Denied _____

Date of request or disclosure	Name and Title of person	Organization person represents
Purpose of disclosure	Justification for disclosure without permission	Disclosure: <input type="checkbox"/> Provided <input type="checkbox"/> Denied _____

Date of request or disclosure	Name and Title of person	Organization person represents
Purpose of disclosure	Justification for disclosure without permission	Disclosure: <input type="checkbox"/> Provided <input type="checkbox"/> Denied _____

Date of request or disclosure	Name and Title of person	Organization person represents
Purpose of disclosure	Justification for disclosure without permission	Disclosure: <input type="checkbox"/> Provided <input type="checkbox"/> Denied _____

Date of request or disclosure	Name and Title of person	Organization person represents
Purpose of disclosure	Justification for disclosure without permission	Disclosure: <input type="checkbox"/> Provided <input type="checkbox"/> Denied _____

SS/SE-94 0 5/05

*Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have disclosure to such information without the written consent of the parent or of the eligible student.*



# REQUEST FOR STUDENT RECORDS

To: Name of School Last Attended \_\_\_\_\_

Address of School \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Student Name: Last	First	Middle	Date of Birth
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Please forward all records for the above student to include, but not limited to, academic, discipline, health, legal, test, and special services. Also, include marks interpretation, special clinical or diagnostic studies, and any other information that may be helpful.

To: Name of FCPS \_\_\_\_\_

Address of FCPS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Parent/Guardian or School Official Signature

Date

Parental permission is not required when records are requested by authorized school personnel. (Family Educational Rights and Privacy Act, Final Rule on Education Records, Federal Register, June 17, 1976, Vol. 41, No. 18, page 24673).

*Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or of the eligible student.*



## MARKS CHANGE

Course Number	Section Number	Course Title	Period	Teacher
Student ID		Last Name	First	Middle
		Grade Level		
From		To		
1st Quarter Mark				<p><b>Note to Teacher:</b> Course number, Section number, and Student ID are printed on your class list.</p> <p><b>IG Pro:</b> Information can be obtained from Setup drop-down, select appropriate class from the list and check Show Advanced Fields (Course, Section number, and period). Then from Setup, select Students and check Show Advanced Fields to obtain ID.</p>
2nd Quarter Mark				
Semester Mark				
3rd Quarter Mark				
4th Quarter Mark				
Final Exam Mark				
Final Mark				
Date	Teacher's Signature	Approval	Student Information Asst.	

Note: Changes must be made manually after Report Cards have been Printed.

- Check that the IG Pro Grade Book has been changed and attach printout.
- Additional Comments:

**Sample Letter Notifying Parent of Decision to Amend a Student Record**

Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: \_\_\_\_\_

Dear (Parent or Eligible Student):

This is to inform you of the decision concerning your request to amend information contained in (“the scholastic record of name of student” or “your scholastic record”).

After considering the content of the record and the evidence presented to support your request, the decision has been made to

***approve your request. The appropriate (“correction,” “deletion,” or “addition”)(“has been” or “ will be” made. A copy of the amended document (“is attached,” or “will be provided to you when the changes have been made”).***

**OR**

***deny your request. (Provide additional comments as appropriate explaining reason for the denial.)***

***You have the right to appeal this decision and request that a hearing be held by notifying, in writing, the director, Office of Student Services. The request must identify:***

- ***The applicable student;***
- ***The record in question;***
- ***The specific information that you believe should be changed;***
- ***An explanation of why you disagree with the initial decision to deny the request for amendment.***

If I can be of further service to you, please do not hesitate to contact me.

Sincerely,

(Name)  
(Title)