

Stafford County Public Schools

Family Educational Rights & Privacy Act (FERPA) Notification

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. **The right to inspect and review the student's education records** within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. **The right to request the amendment of the student's education records** that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. **The right to consent to disclosures of personally identifiable information** contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.
4. **The right to file a complaint** with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Reviewing, Expunging, and Destruction of Student Records:

The school principal, or his/her designee, is responsible for the collection of information; maintenance and security of data; control of dissemination of information from student records; and the destruction of nonpermanent material in the records. Records are reviewed periodically to assure accuracy, currency, and completeness. Data which is no longer educationally useful and is not required for permanent retention is destroyed. This is accomplished at grades 5, 8, and 12, and/or the last year the student is in elementary, middle, and high school. Five years after the student has left the school system, many records designated as temporary (special services files) are purged and destroyed. Parents or eligible students may submit a written request to the school to obtain these materials prior to destruction.

Teachers may maintain additional information regarding your child such as work samples, data collection, and other similar information. This information is not kept as part of the student's cumulative record and is destroyed following the end of each school year.

Psychologists or other evaluators may maintain test protocols and other notes concerning assessments for your child. Those notes and protocols are destroyed after three years.

If possible, SCPS will provide a copy of this document in other languages or will provide an interpreter to translate the document. Requests for this service should be made through the student's school principal.

Si necesita ayuda interpretando este documento, pro favor illame el Director de la escuela.

Notification of Rights Under the Federal Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent before students are required to submit to a survey that concerns one or more of the following protected areas* (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) –
 - Political affiliations or beliefs of the student or student's parent;
 - Mental or psychological problems of the student or student's family;
 - Sex behavior or attitudes;
 - Illegal, anti-social, self-incriminating, or demeaning behavior;
 - Critical appraisals of others with whom respondents have close family relationships;
 - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 - Religious practices, affiliations, or beliefs of the student or parents; or
 - Income, other than as required by law to determine program eligibility.
- *Receive notice and an opportunity to opt a student out of -*
 - Any other protected information survey, regardless of funding;
 - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

- *Inspect, upon request and before administration or use -*
 - Protected information surveys of students;
 - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 - Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Stafford County Public Schools (SCPS) will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure or use of personal information for marketing, sales, or other distribution purposes. SCPS will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. SCPS will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. SCPS will make this notification to parents at the beginning of the school year if the school division has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5901.

ANNUAL NOTICE TO STUDENTS/PARENTS REGARDING DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Stafford County Public Schools(SCPS), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, SCPS may disclose appropriately designated "directory information" without written consent, unless you have advised the Division to the contrary in accordance with Division procedures. The primary purpose of directory information is to allow the SCPS to include this type of information from your child's education records in certain school publications. Examples include:

- * A playbill, showing your student's role in a drama production;
- * The annual yearbook;
- * Honor roll or other recognition lists;
- * Graduation programs; and
- * Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. **In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.(1)**

If you do not want SCPS to disclose directory information from your child's education records without your prior written consent, you must notify the principal of your child's school, in writing, within 15 days of receipt of this notice. SCPS has designated the following information as directory information:

- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Photograph
- Degrees, honors, and awards received
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended

1. These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

If possible, SCPS will provide a copy of this document in other languages or will provide an interpreter to translate the document. Requests for this service should be made through the student's school principal.

Si necesita ayuda interpretando este documento, por favor llame al Director de la escuela.