

NOTIFICATION OF PARENT AND STUDENT RIGHTS WITH RESPECT TO STUDENT EDUCATION RECORDS

What are Education Records?

The term “education records” means any records maintained by FCCPS which contain information directly related to a student. These include, but are not limited to:

- The record data disclosure form;
- The personal data and enrollment form;
- The program of studies plan (grades 8-12 only);
- Scholastic work completed and level of achievement: Report cards(K-12), Parent Conference Forms for K-4, Transcript for high school credit courses
- Attendance records;
- Test data including results of normative tests such as achievement batteries and inventories;
- Student conduct statement (acknowledgement by student and parent of receipt of the student code of conduct;
- Cumulative health record including pre-school physical examination report and school entrance examination report
- Certification of immunization;
- Notice of school status (transfer students only);
- All other information required by Virginia Board of Education Regulations governing secondary school transcripts;
- Court notice of adjudication if disciplinary action is taken based on the incident which is the basis for the adjudication;
- Disciplinary records;
- Special education records and Individualized Education Programs (IEP);
- Identification documents for participation in other specialized programs including the Academically Advanced Program (T.A.A.P.).

What is Directory Information?

Directory information is information contained in the education record of a student that would generally not be considered harmful or an invasion of privacy if disclosed. Directory information may be disclosed without prior consent. Directory information includes:

- Name of student in attendance or no longer in attendance;
- Address;
- Date and place of birth;
- Gender;
- Telephone listing;
- Electronic mail address;
- Photograph or visual image;
- Grade level;
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Height and weight, if a member of athletic team;
- Diplomas, awards and honors received (including but not limited to acceptance at post-secondary educational institutions and Governor's Schools); and

- Other similar information.

If you do not want directory information disclosed for your child, you must notify the school principal, in writing, within 10 days of receipt of this notice. You may notify the school that any part or all such information shall not be disclosed without prior consent.

Who is the Custodian of the Records?

The custodian of a student's education records is the principal at the school where the student currently attends or last attended. The addresses are:

Mt. Daniel Elementary School	2328 N. Oak Street, Falls Church, VA 22046
Thomas Jefferson Elementary School	601 S. Oak Street, Falls Church, VA 22046
Mary Ellen Henderson Middle School	7131 Leesburg Pike, Falls Church, VA 22043
George Mason High School	7124 Leesburg Pike, Falls Church, VA 22043

Education records for special education students enrolled in Falls Church City Public Schools, but not attending a Falls Church City Public School, are maintained by the Director of Special Education & Student Services at the School Board Central Offices, 800 West Broad Street, Suite 203, Falls Church, VA 22046 (703)-248-5630).

What are my Rights of Access Under State Law and Falls Church School Board Policy?

Access to educational records is provided by both state and federal law. State law and Falls Church School Board policy grant access more promptly to your child's records than the federal law, Family Educational Rights and Privacy Act (FERPA). Under state law and School Board policy, you may request to review and inspect your child's educational records at the office of the school he/she attends. That request does not need to be in writing. It is preferred but not required that you give at least three days notice since a designated staff member must be scheduled to be present during your review, to ensure privacy and safeguard files.

What are my Rights Under Federal Law, the Family Educational Rights and Privacy Act (FERPA)?

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. In brief, FERPA provides the right of access to records, the right to ask for changes to correct errors, the right to control disclosure of records by giving prior consent, the right to file a complaint with the federal office, and the right to copies of the policies. More detail is provided immediately below.

1. The right to inspect and review the student's education records within a reasonable time but not more than 45 days from the day the District receives a request for access.

A parent or eligible student should submit to the school principal a written request that identifies the records(s) to be inspected and reviewed. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected and reviewed.

The principal will arrange to have staff available to respond to reasonable requests for explanations and interpretations of the records.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review, the principal will provide a copy of the records requested, or make other arrangements to allow the parents or eligible student to inspect and review the records.

2. The right to request the amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student's privacy rights.

A parent or eligible student may ask the Falls Church City Public Schools to amend a record that he/she believes is inaccurate, misleading, or in violation of the student's privacy rights. The parent or eligible student must write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading or a violation of the student's privacy rights.

If the Falls Church City Public Schools decides not to amend the record as requested by the parent or eligible student, FCCPS shall notify the parent or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

If FCCPS decides that the challenged information is not inaccurate, misleading or in violation of the student's privacy rights, it will notify the parents or eligible student that they have the right to place in the record a statement commenting on the challenged information and/or setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

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.

The complete list of exceptions where disclosure can be made without consent is located in Policy 9.8 Student Records and posted on the school division's website at www.fccps.org. Two of the exceptions are described here.

a. 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 division as an administrator, supervisor, instructor or support staff member; a current school board member; a person employed by or under contract to the division to perform a special task; or an outside third party working under direct control of the school division regarding the use and maintenance of education records.

A school official has a legitimate educational interest if the official is performing a task which is 1) specified in his or her position description or by contract, 2) related to a student's education; 3) related to a student's discipline; or 4) to provide service or benefit relating to the student or student's family such as health care, counseling, job placement or financial aid.

b. Upon request by officials of another school, school system, or institution of post-secondary education where a student seeks or intends to enroll or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment

or transfer. Falls Church City Public Schools discloses education records of the student without consent. FCCPS will provide written notice to the student's parent(s) of the release, provide a copy of the records if requested by the parents, and provide an opportunity for a hearing to challenge the content of the record.

4. The type of information designated as directory information and the right to opt out of release of directory information (see above).
5. The right to opt out of releasing the student's name, address and phone number to military recruiters or institutions of higher education that request such information.
6. The right to file a complaint with the U.S. Department of Education concerning alleged failure by Falls Church City Public Schools to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

7. The right to request a copy of the Falls Church City Public Schools policy on the management of education records.

Do I Have to Pay for Copies of Education Records?

Falls Church City Public Schools will charge a fee of \$0.25 per page. The actual cost of copying time and postage will be charged. If charging a fee would effectively prevent the parent or student from exercising their right to inspect and review records, no fee will be charged.

There will be no charge for search and retrieval of the records. There will be no charge for copying a student's IEP, other special education records or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

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