

**GUIDELINES FOR THE
MANAGEMENT
OF THE STUDENT'S
SCHOLASTIC RECORD
IN THE PUBLIC SCHOOLS
OF VIRGINIA**

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Foreword

The data in the individual student's scholastic record, the legal and ethical maintenance and the use of such data, are matters of increasing concern to students, parents, and school and community personnel. This concern stems from the increasing number of non-school individuals and agencies requesting access to and information from these records. The local education agency (LEA) and institutions recognize that there are individuals and agencies that share its interest in and responsibility for the welfare and overall development of the student and desires to cooperate with the LEA. Because scholastic records are written and maintained for the purpose of enhancing educational programming consistent with high professional standards, the LEA has a responsibility to protect the rights and privacy of the student and his parents. The LEA, therefore, must adhere strictly to state and federal statutes designed to safeguard information contained in scholastic records.

The Department of Education's guidelines, *Management of the Student's Scholastic Record in the Public Schools of Virginia*, addresses the responsibilities of LEAs to manage the scholastic records of all students in compliance with applicable federal and state laws and regulations, including the Board of Education's regulations, 8 VAC 20-150-10, the *Family Educational Rights and Privacy Act (FERPA) of 1974*, 20 USC § 1232g, 34 CFR 99, the *Individuals with Disabilities Education Act (IDEA)*, 20 USC §§1400-1485, 34 CFR 300, *Protection of Pupil Rights (PPRA)*, 20 USC § 1232h, 34 CFR 98, *Health Insurance Portability and Accountability Act (HIPAA)* 42 USC §1320d, 45 CFR Part 160 & 164, the *Virginia Public Records Act*, §42.1-76; and the *Code of Virginia* 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-3.1, 22.1-287 through 22.1-289, 32.1-36.1 and 42.1-76 through 42.1-91.

This resource manual, *Guidelines for the Management of the Student's Scholastic Record in the Public Schools of Virginia*, is presented to school officials, teachers, and parents to assist in implementing the Board's regulations and to offer school divisions practices to ensure protection of private information from unauthorized disclosure. The manual, with other applicable information on student scholastic records, can be used for professional development and training with school staffs, parents, and other interested parties.

The information in this resource manual is provided to give guidance and technical assistance to school officials to implement federal and state requirements to safeguard information in scholastic records. Part I of the manual provides the definition of key terms used in the guideline. Part II of this manual discusses the local educational agencies' responsibility for the management of student records. Part III of this manual provides an overview of the *Family Educational Rights and Privacy Act (FERPA)*, a federal law to protect the confidentiality of student records. The remaining sections of the manual are presented in questions and answers to provide further clarification about the requirements of *FERPA*, *PPRA*, *IDEA*, *HIPAA*, and the *Code of Virginia* to protect the privacy of a student's scholastic records. The Appendix provides a listing of the applicable laws and regulations and sample forms.

The manual is available on the Department of Education's Web site. The Web site is accessible for public use at <http://www.pen.k12.va.us/>

Part I
Definitions

The following definitions from the Family Educational Rights and Privacy Act and Protection of Pupil Rights Amendment apply in these guidelines:

“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.
20 USC 1232 g

“Dates of attendance” means the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester, or a first quarter. 20 USC 1232 g

“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. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.
20 USC 1232 g (a)(5) (A)

“Disciplinary action or proceeding” means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.
20 USC 1232g(a)(5)(A)

“Disclosure” means to permit 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, or electronic means.
20 USC 1232 g (b)(1)

“Educational record” means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. 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 document.
20 USC 1232g(a)(3)

“Eligible student” means a student who has reached 18 years of age or is attending an institution of postsecondary education.
20 USC 1232g(d)

“Institutions” means educational agencies including, but is not limited to, private residential facilities, private day schools, and state-operated programs.

“Instructional material” means instructional material that is provided to a student, regardless of format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). This term does not include academic tests or academic assessments.

“Invasive physical examinations” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

“Local Educational Agency or LEA” means a local school division governed by a local school board or other public agency responsible for providing educational services to students.

“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. 20 USC 1232g

“Party” means an individual, agency, institution, or organization. 20 USC 1232g (b)(4)(A)

“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

20 USC 1232g

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

20 USC 1232g(a)(4)

“Record” means any information recorded in any way, including, but not limited to, hand writing, print, computer media, video or audio tape, film, microfilm, and microfiche. 20 USC 1232 g

“Record data disclosure form” means a record of access to a student's education record.

“Scholastic records” see *educational record*.

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 document.

“Section 504” means that section of the Rehabilitation Act of 1973, as amended (29 USC § 701 et.seq.), which is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. 29 USC § 701 et.seq

“Secretary” means the Secretary of the U. S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.
20 USC 1232g

“Student” means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains scholastic records.
20 USC 1232g(a)(6)

Part II
Responsibilities of Local Educational Agencies

Each local educational agency (LEA) or institution shall manage the scholastic records of all students in compliance with applicable laws and regulations, including the *Family Educational Rights and Privacy Act (FERPA)* of 1974, 20 USC § 1232g, 34 CFR 99; *Protection of Pupil Rights Amendment (PPRA)*, 20 USC §1232h, 34 CFR 98; the *Individuals with Disabilities Education Act (IDEA)*, 20 USC §§ 1400-1485, 34 CFR 300, the *Virginia Public Records Act*, §42.1-76; and the *Code of Virginia*, §§ 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-3.1, 22.1-287 through 22.1-289, 32.1-36.1 and 42.1-76 through 42.1-91. Management procedures adopted by each local educational agency shall include, but are not limited to, the following:

- Require that the superintendent or designee be responsible for the collection, maintenance, security, use, disclosure, and content of the scholastic record;
- Require that all scholastic records maintained on an individual student be considered the student's official school record;
- Ensure the protection of confidentiality of personally identifiable information of the scholastic records during collection, storage, disclosure, and destruction;
- Obtain written parental consent prior to disclosing personally identifiable information, except to the extent that FERPA authorizes disclosure without consent;
- Maintain all scholastic records in a central location accessible to professional personnel within the school and/or school division who have legitimate educational interests in the students, and the parent of the student;
- Provide annual notification of rights to parents and eligible students that comply with the Family Educational Rights and Privacy Act and Protection of Pupil Rights Amendment;
- Maintain for public inspection a current listing of names and positions of employees with the LEA who have access to personally identifiable data in scholastic records;
- Establish procedures to ensure that the parent (and eligible student) is provided access to all scholastic records maintained on his or her child;
- Provide parents and eligible students access to their scholastic records within a reasonable time but not to exceed 45 days;

- Comply with the *Records Retention and Disposition Schedule No. 21*, required by the Virginia Public Records Act;
- Provide professional development on local policies and procedures pertaining to the management of the student's scholastic record;
- Maintain a record of all disclosures to unauthorized parties;
- Provide public notice prior to records destruction;
- Ensure prompt transfer of a student's scholastic record to another school or educational institution in which the student is enrolling or plans to enroll;
- Transfer records to the Virginia Department of Juvenile Justice, the Virginia Department of Correctional Education, regional or local jail, or detention home within five work days;
- Grant parents and eligible students all other rights afforded by the *Family Educational Rights and Privacy Act*.

The *Family Educational Rights and Privacy Act (FEPR)* is a federal law that protects the confidentiality of student education records. The *Protection of Pupil Rights Act (PPRA)* is a federal law that applies to programs that receive funding from the U.S. Department of Education and gives parents rights concerning the surveying of their child. The *Individuals with Disabilities Education Act* is a federal law that governs the education of children with disabilities, and it provides protection for the confidentiality of their education records.



Part III
Overview of the Family Educational Rights and Privacy Act

The *Family Educational Rights and Privacy Act (FERPA)* is the federal law designed to protect the privacy of a student's scholastic records. 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 K-12 public schools are covered by FERPA, as well as some preschool programs and private schools, and virtually all colleges and universities.

FERPA grants four basic rights to 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 as follows:

- The right to inspect and review the student's scholastic records within a reasonable time period but not to exceed 45 days of the day the school receives a request for access;
- The right to request the amendment of a student's scholastic records that the parent or eligible student believes are inaccurate or misleading;
- The right to consent to disclosures of personally identifiable information contained in a student's scholastic records, except to the extent that FERPA authorizes disclosure without consent;
- 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.

Schools are required to notify parents and eligible students annually of their rights under FERPA. The annual notice may be made by any means that is likely to inform parents and eligible students of their rights, including a special letter, student or parent handbook, bulletin, newspaper, or by any other means that will assure notification to the student's home. Schools are required to effectively notify parents and students who have a primary or home language other than English. A model notice is found in Appendix C or on the United States Department of Education's FERPA Web page at <http://www.ed.gov/offices/OII/fpco/ferpa/index.htm>.

Generally, schools must have written permission from the parent or eligible student before releasing any information from a student's education record; however, the law allows schools to disclose educational records, without consent, to the following:

- School employees who have a need to know;
- Other schools to which a student is transferring or plans to enroll;
- Certain government officials in order to carry out lawful functions;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for the school;
- Accrediting organizations;
- Individuals who have obtained court orders or subpoenas;
- Persons who need to know in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to specific state law.

Schools may disclose, without consent, "directory information" such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, the school must inform parents and eligible students about the types of information the school considers directory information. Schools are required to allow parents or eligible students a "reasonable amount of time" to request that the school not disclose directory information about them. Directory information is not generally considered harmful or an invasion of privacy if disclosed.

**Part IV
Content of Student Education Records**

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 an educational agency or by a party acting for the agency. 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 a school 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 may be used interchangeably in this document.

What records are not considered education records?

Certain records not considered scholastic records and are not maintained in the student's education file 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 of a law enforcement unit of an education agency or institution;
- Records relating to an individual who is employed by an educational agency 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 the agency 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 that agency or institution;
- Records of a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

- Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
- Made, maintained, or used in connection with treatment of the student;
- Disclosed only to individuals providing the treatment (Treatment does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.)

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, video, or 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. Based on this definition, it is clear that scholastic records must be in some tangible form, or susceptible to reproduction in a tangible form.

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.

What information is required to be collected on all students?

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

- Academic transcript (For guideline see Superintendent Memo No. 10 – January 18, 2002)
- Name and address of student
- Birth date and number
- Student I. D. or social security number (unless waiver is granted)
- 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 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)

Is a social security number required to enroll a student in school?

Section §22.1-260 of the *Code of Virginia* requires that each student present a federal social security number within ninety days of his or her enrollment. However, regarding students who parents are unable or unwilling to provide a social security number for them, the superintendent or his designee may assign another identifying number to the student or waive this requirement. No child may be excluded from school for failure to provide a social security number. The Virginia Board of Education provided *Guidelines for Administering the Requirement for Public School Students to Obtain a Social Security Number* on June 15, 1988 in Superintendent Memo No. 125. (See Superintendent Memo No. 92, May 30, 2003).

Is a birth certificate required to enroll a student in school?

Section 22.1-3.1 of the *Code of Virginia* states that no student shall be admitted for the first time to any public school in any school division unless the person enrolling the student presents, upon admission, a certified copy of the student's birth record, and that the principal or designee shall record the official state birth number from the student's birth record into the student's permanent education record. It is recommended that the school official affix his or her signature, title, and date where the birth number is recorded in the education record. Upon the failure of any person enrolling a student to present a certified copy of the student's birth record, the principal of the school in which the student is being enrolled or his designee shall immediately notify the local law-enforcement agency.

Is proof of citizenship required for a student to enroll in school?

School divisions are not permitted to inquire into a prospective student's citizenship or visa status to enroll that student in school. School divisions shall accept students who meet the residency requirements of §22.1-3 of the *Code of Virginia* and may not deny a free public education to undocumented school-age children who reside within their jurisdictions because they do not hold valid United States citizenship or a student visa. (See Superintendent Memo No. 159, November 2, 2001)

Are parents required to provide a notice of school status upon enrolling a child?

Prior to admission to any public school, §22.1-3.2 of the *Code of Virginia* requires that the parent, guardian, or other person having control or charge of a child of school age to provide, upon registration, a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the of the commonwealth or in another state 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.

What specialized information may be collected for certain students?

In addition to the information that must be collected and maintained in each student's education record, certain specialized information may be collected and maintained for some students. This list is not exhaustive. Other information, not listed in this section, may be collected and maintained, if necessary. The following information provides guidance about the management of certain specialized records.

Special Education Records

Schools must maintain information and documentation relative to student eligibility and special education and related services in the student's education record to provide appropriate services and for auditing purposes. This documentation includes, but is not limited to, the following information:

- Records of referral
- Reports of assessment, including educational, physiological (medical, speech, hearing, vision), psychological, sociological
- Permission for initial testing
- Permission for initial placement
- Summary of eligibility minutes; and
- Individualized education programs (IEPs)

Custody Documents

When a child's parents are divorced or separated, it is important for school officials to know whether the noncustodial parent (the parent not awarded custody of the child by the court) has been restricted or prohibited by the court from exercising parental rights. There is no requirement that a school maintain complete custody or adoption papers in a student's education record. 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 instead make a notation in the student's record referencing the written evidence that was presented and its date. In this way, the record will contain only information necessary for school officials to protect a student and comply with the court order. (Superintendent Memo No. 41, March 22, 2002).

Disciplinary Records

Disciplinary records are records that are directly related to a student and any disciplinary action taken against that student for violation of school rules or policies occurring on school property or at school-sponsored events (Management of Scholastic Records 8 VAC 20-150-20 B). Every notice of adjudication or conviction received by a local superintendent, and information contained in the notice, shall be maintained by

the superintendent and by any other person to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the school board takes disciplinary action against a student based upon an incident, formed the basis for the adjudication or conviction, the notice shall become a part of a student's disciplinary record. Disciplinary records must be maintained as part of a student's education record. FERPA requires schools to transfer any and all education records, including disciplinary records, on a student transferring to another school.

Law Enforcement Records

Records of a law enforcement unit means those records, files, documents, and other materials that are (1) created by a law enforcement unit, (2) created for law enforcement purposes, and (3) maintained by the law enforcement unit. Law enforcement records are not considered disciplinary records. They must be maintained separate from a student's education record.

20 USC 1232g(a)(4)(B)(ii)

Notices of Court Disposition

Beginning July 1, 1994, Virginia courts were 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. The management of these notices is governed by §§22.1-288.2, 22.1-289 and 16.1-287 of the *Code of Virginia*. Under these code sections, notifications that are not disciplinary records must be maintained separately from all other records concerning the student. However, if the educational agency takes disciplinary action against the student based upon the incident that formed the basis for the adjudication or conviction, the notice must become a part of the student's disciplinary record. If no disciplinary action is taken or the incident underlying the adjudication or conviction did not occur on school property or during a school-sponsored activity, the notice does not become a part of a student's disciplinary or scholastic record. The location of the notice, if it is not part of the scholastic record, is left to the discretion of the educational agency.

Section §22.1-289C of the *Code of Virginia* sets the retention schedule for these notices. It states that any notice of disposition or adjudication shall not be retained after a student has been awarded a diploma or certificate.

Notices of the Filing of a Petition

Beginning July 1, 1995, §16.1-260 of the *Code of Virginia* requires that Virginia courts notify division superintendents whenever a petition is filed alleging that a juvenile has committed one of several enumerated crimes. A division superintendent shall not disclose information contained in or derived from a notice of petition. Section §16.1-305.2 of the *Code of Virginia* governs the management of that notice. If the juvenile is not enrolled as a student in a public school in the division to which the notice was given, the superintendent shall promptly notify the intake officer of the juvenile court in which the petition was filed and may forward the notice of petition to the superintendent of the division in which the juvenile is enrolled, if known. Division superintendents are

required not to disclose the information in the notice unless they believe that it is necessary to ensure the physical safety of the juvenile, other students, or school personnel within the division. The division superintendent may, at any time prior to notice of the disposition in the case, notify the principal of the school in which the juvenile is enrolled of the filing of the petition and the nature of the offense. After the juvenile has been taken into custody, the principal may then further disseminate the information only to those students and school personnel who have direct contact with the juvenile and need the information to ensure physical safety or an appropriate educational placement or services.

Every notice of adjudication of delinquency or conviction for an offense received by a superintendent, and information contained in the notice, which is not a disciplinary record, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the school board takes disciplinary action against a student based upon an incident, which formed the basis for the adjudication of delinquency or conviction for an offense, the notice shall become a part of the student's disciplinary record.

The code does not prescribe how long these notices should be retained. Therefore, it would be reasonable to maintain these notices in the same manner as that prescribed for notices of adjudication or disposition.

HIV/AIDS Records

Section §32.1-36.1 of the *Code of Virginia* specifically provides for the confidentiality of test results regarding human immunodeficiency virus (HIV/AIDS). Information regarding these test results is extremely sensitive and requires careful management. HIV records should be maintained in a separate file from the student's education record. If an educational agency has such information regarding a student, it may be beneficial to review this code section with the school division's attorney to determine whether it may be released.

Home Instruction Records

"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 an alternative to attendance in a public or private school in accordance with the provisions of §22.1-254.1 of the *Code of Virginia*. The records of a home-schooled child's educational program, including courses taken and grades achieved in these courses, and the results of annual evaluations which may include the results of standardized tests need to be reported to the division superintendent or designated education official within the school division in which the child is being home-schooled.

Are school health and medical records considered education records?

Any health and medical records that are maintained by the school are considered education records, with the exception of treatment records for students age 18 or older. A treatment record is a record made or maintained by a physician, psychiatrist, or other recognized professional acting in his or her professional capacity. Treatment does not include remedial educational activities or activities that are part of the program of instruction. As stated earlier, HIV/AIDS and treatment records should be maintained in a separate file from the education record.

If the student receives treatment as part of an IEP, the treatment records become part of the student's scholastic record. The age limitation for treatment records does not apply to a student with a disability who is age 18 or over and is still enrolled in a public school. For more information, see HIPPA in Part IX.

Are test protocols considered to be scholastic records?

In 1993, the U. S. Department of Education, Office of Special Education Programs (OSEP), stated in a policy letter that test protocols that do not contain personally identifiable information are not scholastic records, and that 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.

Even when test protocols are not considered scholastic records, parents of students with disabilities may have other avenues to inspect and review test protocols. The Individuals with Disabilities Education Act (IDEA) grants parents the right to a description of any test, record, or report a school used in decision-making about a student. Further, 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. An explanation of the protocols, if not the protocols themselves, must be given to parents.

Finally, a parent's right to review test protocols under Section 504 of the Rehabilitation Act of 1973 is not dependent on whether the protocols are considered scholastic records. Schools must ensure that evaluation data obtained are documented and carefully considered so that parents may independently assess educational decisions made on behalf of their children.

Are records kept in the office of a school board attorney considered scholastic records?

Yes. A school board attorney is considered an agent of a school division. Therefore, information maintained in the attorney's office that directly relates to a student is a scholastic record. However, the educational agency or institution may deny a request to inspect or review the scholastic records on grounds of attorney-client privilege or the attorney work product doctrine.

**Part V
Parent and Eligible Student Rights**

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.

Who is an “eligible student?”

“Eligible student” means a student who has reached 18 years of age (age of majority) or is attending an institution of postsecondary education.

Does divorce or separation affect a parent’s FERPA rights?

As specified by section 20-124.6 of *Code of Virginia* and FERPA, a local educational agency or institution shall give full rights to either parent, unless the agency or institution has been provided with evidence that there is a court order, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

Do stepparents have parental rights under FERPA?

A stepparent has the same rights under FERPA as natural parents, provided that the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. Conversely, a stepparent who is not present on a day-to-day basis in the home of the child does not have rights under FERPA with respect to that child’s scholastic records.

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, a school may disclose the scholastic records to the parents of an eligible student, who is age 18 or over, who is considered a dependent student under Section 152 of the Internal Revenue Code of 1954 without the consent of the eligible student. A parent of a child with a disability who is 18 may retain his or her rights provided that the child has been determined to be legally incompetent or legally incapacitated.

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

An educational agency shall provide parents and eligible students 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. Schools must comply with a request to inspect or review a child's scholastic record within a reasonable time but not to exceed 45 days.
- 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 IDEA. The IDEA also allows the parent to have a representative inspect and review the records.
- The right to (1) a hearing to challenge the content of scholastic records to insure they are not inaccurate, misleading, or otherwise in violation of the privacy rights of students, (2) the right to have an opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data, and (3) the right to insert a written explanation regarding the contents of the records.
- The right to annual public notice of parent rights and designated categories of directory information and a reasonable time, or during a time period not to exceed 45 days, to refuse to allow the release of directory information without prior consent.
- 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 out side of the school district or parents with a serious illness. 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. Local education agencies may need to make copies of scholastic records available to allow inspection when scholastic records are electronically maintained.

Generally, local education agencies are not required to provide parents and eligible students copies of their scholastic records. Schools are required to provide parents or eligible students the right to inspect and review scholastic records. However, IDEA requires schools to provide parents and eligible students copies of their child's IEP and evaluation reports.

- The right to a response to reasonable requests for explanations and interpretations of the scholastic records.

May an educational agency charge a fee for copies of scholastic records?

A local educational agency may charge a reasonable copy fee unless imposition of such a charge would prevent a parent from exercising his or her right to inspect and review the scholastic records. The fee may include costs associated with reproduction, secretarial or administrative time, and postage. A local educational agency may not

charge a fee to search for and retrieve the scholastic records of a student, or for a copy of a current individualized education plan (IEP).

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.

How can parents or eligible students inspect electronic or computerized scholastic records?

In 1996, the U. S. Department of Education amended the definition of the term "record" appearing in FERPA regulations to add "computer media." The change was made to cover any manner of maintaining information that is stored through and retrieved by a computer, including information stored on a CD-ROM.

How parents may inspect electronic scholastic records is not addressed in regulations. Although not addressed in regulation, some type of intelligible extraction of the information from the database must be accomplished.

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

If a parent or eligible student believes the scholastic records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, the parent or eligible student may ask the educational agency to amend the record. The local educational agency shall decide whether to amend the record as requested within a reasonable time after the local educational agency receives the request. If the local educational agency decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing.

What information must an educational agency include in its annual notification?

The FERPA requires that the local education agency annually inform parents of students currently in attendance or eligible students currently in attendance, of their rights to:

- Inspect and review the student's scholastic records;
- Seek amendment of the student's scholastic records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy right;
- Consent to disclosures of personally identifiable information contained in the student's scholastic record, except to the extent that the regulations authorize disclosure without consent;

- File with the U. S. Department of Education a complaint concerning alleged failures by an educational agency or institution to comply with the requirements of the annual notification.

The notice shall include all of the following:

- The procedure for exercising the right to inspect and review scholastic records;
- The procedure for requesting amendment of scholastic records;
- If the educational agency has a policy of disclosing scholastic records, a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The local educational agency may include a statement in its annual notice that states the school will transfer records upon request from the school in which a student has enrolled or plans to enroll.

FERPA also requires the local educational agency:

- To make a reasonable attempt to notify the parent of the request for records unless the school states in its annual notification that it intends to forward records on request without parental consent;
- Requires public notice of disclosures of directory information, unless the schools include a statement in their annual notice to parents that the school discloses directory information.

If the educational agency determines not to include these two requirements in its annual notification, then it must use some other means of providing public notice. A sample of a model notification can be found in Appendix C.

How must an educational agency inform parents and eligible students of their rights?

An educational agency may provide annual notification by any reasonable means that is likely to inform the parents or eligible students of their rights. The actual method of notification is left to the discretion of each school. Notification may be by special letter, inclusion in a parent teacher organization (PTO) bulletin, student handbook, newspaper article, etc.

Must an educational agency provide the annual notice of rights in the primary or home language of parents whose primary language is other than English?

An educational agency shall effectively notify parents who have a primary or home language other than English. Schools should consult with parents and eligible students in determining how best to provide them with this notice.

Are there special provisions for notifying parents with disabilities?

An educational agency shall effectively notify parents or eligible students who are disabled by providing notice in alternative formats such as audiotape, Braille, computer diskette, or large print, as appropriate.

Must an educational agency provide annual notification to a noncustodial parent?

In the absence of a court order or other legally binding document that specifically removes the parent's right to access scholastic records, FERPA grants noncustodial parents the same rights as custodial parents.

Under what conditions does a parent or eligible student have the right to a hearing?

A parent or eligible student may request to amend the education record on the grounds that the information contained in the education record is inaccurate or misleading. The educational agency decides, within a reasonable time, whether to amend the record as requested. If the agency decides not to amend the record, it must notify the parent or eligible student of the decision and of their right to a hearing to challenge the content of the record.

If, as a result of the hearing, the educational agency decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school.

What are the requirements for the conduct of a hearing?

The following are the minimum requirements for a hearing:

- The hearing must be held within a reasonable time after the request is received;
- The school must provide the parent or eligible student with notice of the date, time, and place within a reasonable time in advance of the hearing;
- The hearing may be conducted by any party, including an official of the school division who does not have a direct interest in the outcome of the hearing;
- The parent or eligible student must be afforded a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may, at their own expense, be assisted by another person, including an attorney;

- The school must make its decision in writing within a reasonable time after the conclusion of the hearing;
- The decision of the school must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.

**Part VI
Disclosure of Information from Student Scholastic Records**

May an educational agency disclose personally identifiable information from scholastic records?

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. The 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. However, there are parties or parties to whom data may be disclosed without prior written consent of the parent or eligible student. Schools must ensure that no personally identifiable information is disclosed to any parties without prior written consent other than that authorized by FERPA. The disclosure must meet one or more conditions for an educational agency to disclose personally identifiable information from an education record of a student without the consent of a parent or eligible student. Those conditions, according to FERPA, are as follows:

- To school officials within the agency, including teachers, whom the agency has determined to have legitimate educational interests;
- To officials of another school, school system, or institution of postsecondary education where 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;
- 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. The agency or institution 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 dependent student as defined in Section 152 of the Internal Revenue Code of 1986;
- To a party to comply with a judicial order or lawfully issued subpoena;

The educational agency or institution may disclose information only if the agency or institution makes a reasonable effort 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 disclosure is in compliance with a federal grand jury subpoena and 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 the educational agency has initiated legal action against a parent or student. The disclosure is of scholastic records that are relevant for the educational agency to proceed with the legal action as plaintiff;
- To a court, if a parent or eligible student initiates legal action against an educational agency; the disclosure involves scholastic records that are relevant for the educational agency to defend itself;
- 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”;
- To the parent of a student who is not an eligible student or to the student;
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution on postsecondary education with respect to that alleged crime or offense.

May a local educational agency disclose a student's directory information if suspected child abuse has been reported to the Department of Social Services?

There is no exception to FERPA's rule that allows schools to disclose information from a student's education record to a child welfare agency without parental consent. If a child welfare agency has subpoena power under state law, FERPA allows a school to comply with any lawfully issued subpoena or court order issued by or on behalf of the welfare agency. While FERPA does not specifically permit schools to disclose information from a student's education record to a child welfare agency if a student is a suspected victim of child abuse, schools may do so under the Federal Child Abuse Prevention Act (CAPTA).

Does the child abuse reporting statute override FERPA protections?

Noting a conflict between disclosure of possible instances of child abuse as required under the federal Child Abuse Prevention and Treatment Act (CAPTA) and the protections afforded by FERPA, the Family Policy Compliance Office concluded on October 2000, that Congress intended that any suspected incidents of abuse should be reported. CAPTA requires school employees (such as teachers) to notify the proper authorities if they know or have cause to suspect that a child has been abused or neglected. The Code of Virginia §63.1-1509 requires any teacher or other person employed in a public or private school, kindergarten, or nursery school shall report suspected abuse or neglect immediately.

What conditions apply to disclosure of information as permitted by state statute adopted after November 19, 1974, concerning the juvenile justice system?

If reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose scholastic records as permitted under FERPA. The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student.

Are schools required to disclose "directory information" to military recruiters?

Congress passed a provision in the *No Child Left Behind Act* of 2001, which amended the Elementary and Secondary Education Act of 1965 (20 U.S.C. § 7908), that addresses the disclosure of directory information to military recruiters. Congress also included similar language in the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. §544). Both laws require schools to provide directory information (student's name, address, and telephone number) to military recruiters. However, to comply with FERPA, schools must allow parents to "opt out" or not agree to the release of directory information to third parties. Military recruiters generally request information on junior and senior high school students that will be used for recruiting purposes and offering college scholarships.

What conditions apply to disclosing directory information?

An educational agency may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance of the following:

- The types of personally identifiable information that the agency has designated as directory information;
- A parent's or eligible student's right to refuse to let the agency designate any or all of those types of information about the student as directory information;
- The period of time within which a parent or eligible student has to notify the agency in writing that he or she does not want any or all types of information about the student designated as directory information.

An educational agency may disclose directory information about former students without meeting these conditions.

What actions should an educational agency take to verify the identity of a parent requesting review of a student's scholastic record?

The FERPA regulations do not include any specific directives about how the identity of parents requesting review should be verified. Verification procedures are designed by the local school division.

What recordkeeping requirements exist concerning requests and disclosures?

An educational agency shall maintain a record of each request for access to and each disclosure of personally identifiable information from the scholastic records of each student. The agency shall maintain the record with the scholastic records of a student as long as the records are maintained. Those individuals with legitimate educational interest in the content of a student's education record are not required to sign the Record Data Disclosure Form.

For each request or disclosure the record must include:

- The parties who have requested or received personally identifiable information from the scholastic records;
- The legitimate interests the parties had in requesting or obtaining the information.

If the educational agency discloses personally identifiable information from an education record with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency if the

disclosures meet the requirements under FERPA, the record of the disclosure must include:

- The names of the additional parties to whom the receiving party may disclose the information on behalf of the educational agency;
- The legitimate interests which each of the additional parties has in requesting or obtaining the information.

(See Appendix F for a sample Education Record Data Disclosure Form.)

What limitations apply to the redisclosure of information?

An educational agency 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 the educational agency determines that the third party improperly disclosed information from scholastic records, the educational agency may not allow that third party access to personally identifiable information for at least five years. 34 C.F.R. § 99.32(1)-(2).

What conditions apply when students transfer to another educational agency or institution?

Permission is not required for the transfer of a student's education record to other educational agencies or institutions provided that educational agency has provided advanced notice (i.e. annual notice) to the parents that educational records will be transferred upon request. However, a local educational agency that discloses information to other agencies shall:

- Make a reasonable attempt to notify the parent or eligible student at the last known address unless the disclosure is initiated by the parent or eligible student; or the annual notification includes a statement that the education agency forwards scholastic records upon request to other agencies or institutions that the student seeks or intends to enroll. Section 22.1-289 D of the *Code of Virginia* requires the school official to notify the parent or eligible student within five days of the date in which the record was transferred.
- Give the parent or eligible student, upon request, a copy of the record that was disclosed;
- Give the parent or eligible student, upon request, an opportunity for a hearing to challenge the content of the record if the parent or eligible student believes information is inaccurate or misleading.

It is important for a school to receive the student's education record when that student transfers into the school division. 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.

What are the procedures for transferring scholastic records when the student is incarcerated?

Section §22.1-289E of the *Code of Virginia* requires that whenever an education agency is notified by 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, that a student who last attended a school within the school division is now a student at one of such facilities, the school superintendent or designee shall transfer the education record of the student to the designated facility within five administrative days. The Department of Correctional Education shall transfer the education record of a student who has been discharged from a juvenile correctional center to the school division the student will attend within five administrative days of the student's discharge.

What conditions apply to disclosure of information in health and safety emergencies?

An educational agency may disclose personally identifiable information from an education record, including disciplinary records, to appropriate parties in connection with an emergency if knowledge of the information is necessary to promote the health or safety of the student, other students, or other members of the school community. The information may be disclosed to teachers and school officials within the agency or to teachers and school officials in other schools who in the agency has determined have legitimate educational interests in the behavior of the student.

What conditions apply to disclosing scholastic records of children reported missing?

Section 22.1-288.1 of the *Code of Virginia* requires that upon notification by a local law enforcement agency of a child's disappearance, the principal shall indicate in the child's scholastic record that the child has been reported missing. Upon receiving a request from any school or person for copies of the cumulative records and birth certificate of any child who has been reported by a local law-enforcement agency to be missing, the school being requested to transfer the records shall immediately notify the law enforcement agency which provided the report to the school of the child's disappearance of the location of the school or person requesting the cumulative records and birth certificate of the child.

Whenever a local educational agency can not obtain the scholastic record for any newly enrolled student within 60 days or sooner, and the local educational agency personnel suspects that the student is a missing child, the division superintendent or designee shall notify the local law enforcement agency for investigation as a possible missing child.

What are the specific safeguards to protect the confidentiality of scholastic records for children with disabilities?

The IDEA (34. C.F.R. Part 300 § 560 - §577) requires each educational agency to:

- Protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages of scholastic records;
- Designate one official to assume responsibility for ensuring the confidentiality of any personally identifiable information;
- Make training or instruction on the management of student scholastic records available to all persons collecting, maintaining, or using personally identifiable information;
- Maintain for public inspection a current listing of the names and positions of the employees within the agency who may have access to personally identifiable information.

For further information, see Part VII, Scholastic Records Retention and Destruction.

May an educational agency request that a parent sign a blanket consent to disclosure?

A blanket consent or one-time consent is acceptable provided it meets the three requirements of informed consent required by FERPA. One consent form could serve as notice of disclosure to several public agencies. The written consent must:

- Specify the records to be disclosed
- State the purpose of the disclosure
- Identify the party or class of parties to whom the disclosure may be made.

(See Appendix G for a sample parental blanket consent form.)

**Part VII
Scholastic Records Retention and Destruction**

The Library of Virginia is the state agency that governs the retention and destruction of all public records, including records in the public schools. Schools must comply with the Records Retention and Disposition Schedule No. 21, which is required by the *Virginia Public Records Act* in §42.1-76 et. seq. of the *Code of Virginia*. Schools must refer to Schedule No. 21 to ensure that the stated retention period has elapsed before destroying any student scholastic records. Information can be obtained from the Library of Virginia Web site: <http://www.lva.lib.va.us/>. A copy of the Schedule No. 21 – Public School Records - can be obtained from this Web address: http://www.lva.lib.va.us/whatwedo/records/sched_local/index.htm If you have questions about records management and information including records scheduling, records disposals and records center storage, contact the Library of Virginia at 804-692-3600 or recman@lva.lib.va.us

How long must an educational agency keep a student's scholastic record?

Records Retention and Disposition Schedule No. 21 lists in Part III the data that must be retained permanently for each student. Generally, nonpermanent data must be retained until no longer educationally useful or five years after the student graduates, completes the Board of Education's approved program or leaves school. Schools must refer to Schedule No. 21 to ensure that the stated retention period has elapsed before destroying any student scholastic records.

Must an educational agency notify parents before destroying a student's scholastic record?

IDEA requires that the educational agency inform parents of a student with a disability when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child. Destruction of scholastic records is the best protection against improper and unauthorized disclosure; however, the records may be needed for other purposes. When informing parents and eligible students about their rights, the educational agency should remind them that the scholastic records might be needed by the student or parents for social security benefits or other purposes. When personally identifiable information regarding students with disabilities is no longer required, it must be destroyed upon request of the parent or eligible student. The school may not destroy any scholastic records if there is an outstanding request to inspect and review the records.

The local educational agency's policies should provide all parents and eligible students the opportunity to obtain their scholastic records prior to destruction. Notification of records destruction can be provided in the local newspaper or by some other means.

What is the process for destroying data in an education record?

Prior to the destruction of data in an education record, schools must refer to the Records Retention and Disposition Schedule No. 21 for Public School Records. Destruction of education record information must be documented by completing a Certificate of Records Disposal (Form RM-3). Copies of these documents can be obtained from the Records Management and Imaging Services Division of The Library of Virginia at 800 East Broad Street, Richmond, Virginia 23219, or by calling (804) 692-3600. Copies also may be obtained at The Library of Virginia's Web site at <http://www.lva.lib.va.us> For additional assistance on records destruction, school officials may consult with their designated record analyst that is assigned by the Library of Virginia. The names and contact information can be found at the library's Web site.

Part VIII
Overview of the Protection of Student Rights Amendment

The Protection of Pupil Rights Amendment (PPRA) of the Elementary and Secondary Education Act of 1965 is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. PPRA applies to educational agencies or institutions that receive funding from any program of the U.S. Department of Education including local educational agencies in Virginia. This provision applies to surveys funded in whole or part by any program administered by the U.S. Department of Education. PPRA provides:

- Schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with any U.S. Department of Education funded survey, analysis, or evaluation in which their children participate;
- Schools and contractors obtain prior written parental consent before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning:
 1. political affiliations or beliefs of a student or a student's parents;
 2. mental and psychological problems of the student or the student's family;
 3. sex behavior or attitudes;
 4. illegal, anti-social, self-incriminating, or demeaning behavior;
 5. critical appraisals of other individuals with whom respondents have close family relationships;
 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. religious practices, affiliations, or beliefs of the students or student's parents; or
 8. income (other than required by law to determine eligibility for participation in a program or that receiving financial assistance under such programs).

What are the procedures for notifying parents of PPRA?

Schools are required to develop and adopt policies – in conjunction with parents- regarding the following:

1. The right of parents to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students;
2. Arrangements to protect student privacy in the event of the administration of a survey to students, including the right of parents to inspect, upon request, the survey, if the survey contains one or more of the same eight items as noted previously;
3. The right of parents to inspect, upon request, any instructional material used as part of the educational curriculum for students;

4. The administration of physical examinations or screenings that the school may administer to students;
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose;
6. The right of parents to inspect, upon request, any instrument used in the collection of information, as described in number 5.

Educational agencies must “directly” notify parents of these policies and, at a minimum, must provide the notice at least annually, at the beginning of the school year. The schools must also notify parents within a reasonable period of time if any substantive change is made to the policies.

In the notification, the educational agency shall offer an opportunity for parents to opt out of (remove their child) from participation in the following activities:

- Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose;
- The administration of any third party (non-Department of Education funded) survey containing one or more of the above described eight items of information;
- Any nonemergency, invasive physical examination or screening that is: 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students;
- In the notification, the educational agency shall inform parents of the specific or approximate dates during the school year when these activities are scheduled.

(See Appendix H for sample Model PPRA Notification. Additional copies can be retained at FEPPRA's web page: <http://www.ed.gov/offices/OII/fpco/ferpa/>)

What are the procedures for the disclosure of personal information for marketing purposes?

PPRA requirements do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- College or other postsecondary education recruitment, or military recruitment;
- Book clubs, magazines, and programs providing access to low-cost literacy products;
- Curriculum and instructional materials used by elementary and secondary schools;
- Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
- The sale by students of products or services to raise funds for school-related or education-related activities;

- Student recognition programs.

What are the procedures for physical exams required by state law?

PPRA does not apply to any physical examination or screening that is permitted or required by state law, including such examinations or screenings permitted without parental notification.

Does PPRA apply to surveys administered in accordance with the Individuals with Disabilities Education Act (IDEA)?

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

When do the rights of a parent transfer to a student under PPRA?

The rights provided to parents under PPRA transfer to the student when the student becomes 18 years old or is an emancipated minor under applicable state law.

**Part IX
Health Insurance Portability and Accountability Act (HIPAA)**

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 includes a series of “administrative simplification” provisions that requires the adoption of national standards for electronic health care transactions. The law also requires the adoption of security and privacy standards to protect personal health information. In December 2000, the Department of Health and Human Services (HHS) issued a final rule to protect the confidentiality of medical records and other personal health information. The rule limits the personally use and release of individually identifiable health information; gives patients the right to access their medical records; restricts most disclosure of health information to the minimum needed for the intended purpose; and establishes safeguards and restrictions regarding disclosure of records for certain public responsibilities, such as public health, research and law enforcement.

Are records protected under FERPA also protected under HIPAA?

Educational records of students protected by FERPA, which provides parents of students and eligible students with privacy protections and rights maintained by educational agencies, are not subject to privacy regulations of HIPAA.

Are records maintained by the school nurse protected under HIPAA or FERPA?

Individually identifiable health information of a student under the age of 18 or maintained created by a nurse in a primary or secondary school that receives federal funds is subject to FERPA regulations because it is considered an educational record. Therefore, HIPAA does not apply.

**Part X
Enforcement Procedures**

What is the procedure for parents if they want to file a complaint?

Parents or eligible students should first inform the school principal and/or the division superintendent 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. A complaint must contain the specific allegations of fact giving reasonable cause to believe that a violation of act occurred.
- b. The FPCO investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provision of the Act.
- c. A timely complaint is defined as an allegation of a violation or of the date that the complainant knew or reasonably should have known of the alleged violation.
- d. The FPCO may extend the time limit in this section for good cause shown.

What are the responsibilities of the FPCO in the enforcement process?

- a. The FPCO reviews the complaint and response and may permit the parties to submit further written or oral arguments or information.
- b. Following its investigation, the FPCO provides to the complainant and the educational agency or institution written notice of its findings and the basis for its findings.
- c. If the FPCO finds that the educational agency has not complied with the act, it provides a statement of the specific steps that the agency or institution must take to comply, and provides a reasonable period of time, given all of the circumstances of the case, during which the educational agency or institution may comply voluntarily.

How does the U. S. Secretary of Education enforce decisions?

If the educational agency does not comply with the decision of the Family Policy Compliance Office during a reasonable period of time, the Secretary may:

1. Withhold further payments under any applicable program;
2. Issue a complaint to compel compliance through a cease-and-desist order;
3. Terminate eligibility to receive funding under any applicable program.

If, after an investigation, the Secretary finds that an educational agency has complied voluntarily, the Secretary provides the complainant and the agency written notice of the decision and the basis for the decision.

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APPENDICES

APPENDIX A

Virginia Administrative Code

8 VAC 20-150-10

**MANAGEMENT OF THE STUDENT'S SCHOLASTIC RECORD
IN THE PUBLIC SCHOOLS OF VIRGINIA**

8 VAC 20-150-10. Definitions.

8 VAC 20-150-20. Management of scholastic record.

8 VAC 20-150-30. Access.

Editor's Note: The August 23, 1995 amendment substantially revised this chapter, effectively repealing from 8 VAC 20-150-10 through 8 VAC 20-150-400, effective April 7, 1994.

8 VAC 20-150-10. Definitions.

The terms used in this chapter, except as otherwise defined herein, shall be in accord with the definitions contained in the Family Educational Rights and Privacy Act, 20 USC §123g, 34 CFR 99; the Individuals with Disabilities Education Act, 20 USC §§1400-1485, 34 CFR 300; and §22.1-289 of the Code of Virginia.

8 VAC 20-150-20. Management of the scholastic record.

- A. Local education agencies shall manage the scholastic records of all students in compliance with applicable law, including the Family Educational Rights and Privacy Act of 1974, 20 USC §123g, 34 CFR 99; the Individuals with Disabilities Education Act, 20 USC §§1400-1485, 34 CFR 300; and §§2.1-377 through 2.1-386, 16.1-260, 16.1-305-1, 16.1-305.2, 22.1-3, 22.1-270, 22.1-271.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.2, 22.1-289, 32.1-36.1 and 42.1-76 through 42.1-91.
- B. Every notice of adjudication or conviction received by the local superintendent, and information contained in the notice, which is not a disciplinary record, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the school board takes disciplinary action against the student based upon an incident which formed the basis for the adjudication or conviction, the notice shall become part of the student's disciplinary record. As used herein, "*disciplinary record*" means a record which is directly related to a student and any disciplinary action taken against that student for violation of school rules or policies occurring on school property or at school-sponsored events.

8 VAC 20-150-30. Access.

A parent, guardian, or other persons having control or charge of a student shall be notified of his right to review, and to request an amendment of, the student's scholastic record in accordance with procedures set forth in 34 CFR 99.

Statutory Authority

§4 of Article VIII of the Constitution of Virginia and 22.1-16, 22.1-287.1, 22.1-288.2, and 22.1-289 of the Code of Virginia.

Historical Notes

Amended, Virginia Register Volume II, Issue 22, eff. August 23, 1995.

Appendix B

APPLICABLE LAWS AND REGULATIONS

Code of Virginia

- §2.1-377-386 Privacy Protection Act of 1976
- §20-124.6 Access to child's records
- §22.1-3.1 Birth certificates required upon admission; required notice to local law-enforcement agency
- §22.1-3.2 Notice of student's school status required as condition of admission
- §22.1-270 Preschool physical examinations
- §22.1-271.2 Immunization Requirements
- §22.1-287 Limitations on access to records
- §22.1-287.1 Directory Information
- §22.1-288 Furnishing information to public or private school, college, or university, or private business or professional school or college or military force
- §22.1-288.2 Receipt, dissemination, and maintenance of records of certain adjudications or convictions
- §22.1-289 Transfer and management of scholastic records; disclosure of information in court notices; penalty
- §16.1-260 Intake, petition, investigation
- §16.1-305.1 Disclosure of disposition in certain delinquency cases
- §16.1-305.2 Disclosure of notice of filing of a petition by division superintendent
- §32.1-36.1 Confidentiality of test for human immunodeficiency virus, civil penalty, individual action for damages or penalty
- §42.1-76-91 Virginia Public Records Act and the Records Retention and Disposition Schedule

Federal Regulations

- §34 CFR Part 98 Protection of Pupil Rights Amendment
- §34 CFR Part 99 Family Educational Rights and Privacy Act
- §34 CFR Part 300 Individuals with Disabilities Education Act

Appendix C

MODEL NOTIFICATION OF RIGHTS REGARDING STUDENT SCHOLASTIC RECORDS

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 scholastic records. They are:

(1) The right to inspect and review the student's scholastic records within 45 days of the day the school division receives a request for access. Parents or eligible students should submit to the _____ a written request that identifies the record(s) they wish to inspect. The _____ will arrange 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 scholastic records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask _____ Public Schools 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 what it is inaccurate or misleading. If the school division decides not to amend the record as requested by the parent or eligible student, the school division 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 record, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school division as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel); a person serving on a School Board; a person or company the school division 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 the scholastic records in order to fulfill his or her professional responsibility.

(Optional) Upon request, the school division discloses scholastic records without consent to officials of another school division in which the student seeks or intends to enroll. **(Note: FERPA requires a school division to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.)**

(Optional) If a school division discloses directory information, it may want to include its directory information public notice. **(Note: FERPA requires a school division to provide notification prior to disclosing directory information.)**

(4) The right to file a complaint with the U. S. Department of Education concerning alleged failures by the school division 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, SW, Washington, D. C. 20202-4605.

Appendix D

Model Notice for Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that **[School District]**, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, **[School District]** may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the **[School District]** 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 **[School District]** to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by **[insert date]**. **[School District]** has designated the following information as directory information: **[Note: an LEA may, but does not have to, include all the information listed below.]**

- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Electronic mail address
- 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

Footnotes:

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.

Appendix E

**TYPES OF DISCLOSURE OF PERSONALLY IDENTIFIABLE
INFORMATION NOT REQUIRING WRITTEN PARENTAL PERMISSION**

| TYPES OF DISCLOSURE | CONDITIONS NEEDED FOR DISCLOSURE |
|---|--|
| To school officials in the school and school division | If the school division has identified them as having a legitimate educational interest in the education data |
| To officials of another school division where the student intends to enroll | If the school division has made a reasonable attempt to notify the parents and the school division provides the parents, upon request, a copy of the disclosed records and an opportunity to correct them |
| To authorized representatives of the Comptroller General of the U. S., the Attorney General of the U. S., the U. S. Secretary of Education, or state or local educational authorities | These officials may have access to scholastic records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements relates to those programs |
| 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 | Provided the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released |
| To financial aid officers at an institution the student has applied to enter | Provided that the information is necessary to determine eligibility for financial aid, determine the amount of aid, determine the conditions for the aid, or enforce the terms and conditions of the aid |
| To organizations conducting educational studies | Provided that 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 no longer needed for the purpose for which the study was completed |
| To accrediting organizations | Provided that the information is necessary for the accrediting organizations to carry out their studies |
| To the parents of a dependent student | Provided that the student is a dependent of his or her parents as defined in Section 152 of the Internal Revenue Code of 1986 |

| TYPES OF DISCLOSURE | CONDITIONS NEEDED FOR DISCLOSURE |
|--|---|
| To comply with a judicial order or lawfully issued subpoena | Provided that the school makes a reasonable effort to notify the parents or eligible student |
| To a court | Provided that the school has initiated legal action against a parent or student and discloses the scholastic records of a student that are relevant for the school to proceed with the legal action as plaintiff |
| To parties requesting "directory information" | Provided the school division has given public notice to parents of students in attendance and eligible students in attendance at the school of (1) the types of personally identifiable information the school has designated as directory information (2) a parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student as directory information, and (3) the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information about the student designated as directory information |
| To appropriate parties in connection with an emergency | Provided that knowledge of the information is necessary to protect the health or safety of the student or other students |
| To the parent of a student who is not an eligible student or to the student | Provided the information is necessary for the welfare of the student |
| To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense | Provided the disclosure includes only the final results of the disciplinary proceeding conducted by the school with respect to that alleged crime or offense; the school may disclose the final results of the proceeding, regardless of whether the school concluded a violation was conducted |

Appendix G

**Sample Parent or Eligible Student's Consent for
Disclosure of Education Record Data**

I grant permission for my child's school to release information about my child as follows:

_____ may have access to or a copy
(identify party or parties)

of _____
(specify the type of data to be disclosed)

for the purpose of _____
(statement of the purpose)

_____ Please indicate with a check (v) mark if you request a copy of the records disclosed.

Date

Parent or eligible student's signature

Appendix H

Sample Blanket Parental Consent Form for Billing Public Insurance

Name of Student _____ Date of Birth _____

Social Security Number _____ Name of Parent/Guardian _____

1. Health Insurance: Please check all that apply.

No insurance Private Insurance (Private insurance will not be billed.)

Medicaid Programs: Medicaid Medallion CMSIP FAMIS

Sentara Family Care Optimum Choice Virginia Premier HealthKeepers Plus
 Chartered Health Plan Family Access to Medical Insurance Securities

MEDICAID # _____

FAMIS # _____

2. For Medicaid insured only:

Consent to release information: I consent for _____ (school division) to release information about my child's participation in services billed to Medicaid to participating physicians, other health care providers, the Department of Medical Assistance Services, and any Department of Medical Assistance Services billing agents, and any school division billing agent as necessary to process Medicaid claims for reimbursement of health-related services. I understand that my permission is voluntary and may be revoked at anytime.

Procedural Safeguard: I understand my right to deny consent for the school system to access my child's Medicaid coverage will not affect delivery of any services to my child.

Parent/Guardian Signature

Date

Name of Physician _____

Appendix I

Model Notification of Rights Under the Protection of Student Rights Amendment (PPRA)

PPRA affords parents and students who are 18 or emancipated minors (“eligible students”) 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)—
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- *Receive notice and an opportunity to opt a student out of* –
 1. Any other protected information survey, regardless of funding;
 2. 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
 3. 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 –
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

[School District will/has develop[ed] and adopt[ed]] policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **[School District will directly notify parents and eligible students of these policies at least annually at the start of each school year]** and after any substantive changes. **[School District]** will also directly notify parents and eligible students, such as through U.S. mail or Email, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- 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 nonemergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

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

Appendix J

**PPRA Model Notice and Consent/Opt-Out for Specific Activities
[LEAs should adopt the following model form as appropriate]**

The Protection of Student Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires [**name of school district or school**] to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure, or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 or older or an emancipated minor under State law.)

Date: On or about October 15, 2003

Grades: Five and Six

Activity: ABC Survey of At-Risk Behaviors.

Summary: This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

Consent [for ED funded, protected information surveys only]: A parent must sign and return the attached consent form no later than [insert return date] so that your child may participate in this survey.

Opt-out [for any non-ED funded protected information survey]: Contact [**school official**] at [**telephone number, email, address, etc.**] no later than [**date**] if you do not want your child to participate in this activity.

Date: November 22 - 24, 2003

Grades: One through Six

Activity: Flu Shots

Summary: The County Department of Public Health Services will administer flu shots for influenza types A and B.

Opt-out: Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

Below are two examples dealing with the collection, use, and distribution of personal information for student-based commercial services. Administrators should *particularly* note the difference in the type of consent required for each activity depending on what personal information is being collected, used, or distributed.

[Survey A: Limited to personal information designated as “directory information”]

Date: 2003-2004 School Year

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, and telephone listings. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

Opt-out: Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

[Note to schools: This information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA). Instead of using this Model Notice format, schools may meet PPRA notice requirements for specific marketing activities that involve only designated “directory information” by allowing parents to opt out of “directory information” at the start of each school year, which would include all marketing activities.]

[Survey B: Collects personal information beyond designated directory information]

Date: 2003-2004 School Year

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, telephone listings and social security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

Consent: A parent must sign and return the attached consent form no later than [insert return date] so that your child may participate in this activity.

[Note to schools: While some of the information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA), schools that permit marketing activities that involve the collection, use, and disclosure of students’ social security numbers may not use an opt-out procedure and must obtain prior written consent in accordance with § 99.30 of the FERPA regulations.]

If you wish to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to [school official, address]. [School

*Management of the Student's Scholastic Record
in the Public Schools of Virginia*

official] will notify you of the time and place where you may review these materials. You have the right to review a survey and/or instructional materials before the survey is administered to a student.

I [parent's name] give my consent for [child's name] to take the ABC Survey of At-Risk Behaviors on or about October 15, 2003.

Parent's signature

Please return this form no later than [insert date] to the following school official: [Provide name and mailing address.]

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U. S. Congress. (1974). *Family Educational Rights and Privacy Act of 1974*. Washington, D. C.

U. S. Congress. (2000). *Individuals with Disabilities Education Act*. Washington, D.C.

U. S. Department of Education. Family Policy Compliance Office.
(<http://www.ed.gov/offices/OM/ferpa.html>)

Notes:

Copies of this document may be obtained from the
Department of Education's Web page at <http://www.pen.k12.va.us>

or by calling (800) 422-2083 or forwarding a request to:
Division of Special Education and Student Services
Virginia Department of Education
P. O. Box 2120
Richmond, Virginia 23218-2120

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