

## Family Education Rights and Privacy Act (FERPA) Notice

The Family Education Rights and Privacy Act ("FERPA"), 20 U.S.C. Sections 1232g, et seq., requires each school division to notify parents/guardians and/or students who are eighteen (18) years old or older ("eligible students") annually of their rights to inspect a student's scholastic records. This letter is Richmond Public Schools' ("RPS") annual FERPA notification which is intended to inform you of the rights of parents/guardians or eligible students concerning student records. Parents and eligible students may review and/or obtain a copy of the written policy regarding student records at any RPS school. If you have questions about your rights under FERPA, please contact your or your child's school principal or school counselor.

The School Board of the City of Richmond's policy regarding Student Records is 8-1.6.

### Content and Confidentiality of Student Records

All information for Richmond Public Schools' student records is collected and maintained according to privacy safeguards established by federal and state laws and regulations, and the City of Richmond School Board's policies and regulations.

The content of the student's scholastic record shall be limited to data needed by the school to assist the student in his/her personal, social, educational and vocational development and in his/her educational and vocational placement. The content of a student's scholastic record shall adhere to the Regulations for Management of the Students' Scholastic Record in the Public Schools of Virginia, adopted by the Virginia Board of Education.

Federal and state laws and regulations require school officials to maintain the confidentiality of certain items contained in student records. Richmond Public Schools adheres to all federal and state laws and regulations and strives at all times to maintain the confidentiality of student records.

### Access to Student Records

The principal of each school is responsible for the student files maintained in that school. Parents and eligible students have the right to review and inspect the student's education records within forty-five (45) days of requesting to review and inspect the records. Parents and eligible students must provide written consent to the disclosure of personally identifiable information contained in the student's education records, except to those persons otherwise authorized to access them by applicable law. Generally, access to pupil records and personally identifiable information is limited to those persons who have legitimate educational interests in the student. A person has a legitimate educational interest if the person needs to review an educational record in order to fulfill his or her job duties and responsibilities. Persons with a legitimate educational interest include, but are not limited to: an eligible student; parents or guardians of a student under eighteen (18) years of age; the school principal or designee of the school the student attends; professional personnel within the school the child attends and of the school division; adult clerical personnel of the school the student attends and of the school division; school division attorneys; certain governmental and educational auditors, evaluators, and/or researchers; federal, state and local officials as authorized by law; and others who have the written permission of the parent, guardian or eligible student. Both natural parents, regardless of custody status, have the right to access their child's records in the absence of a court order or other legally binding document that specifically revokes these rights.

In addition to those noted above, RPS is permitted to disclose, and will disclose, a student's record without the consent of the parent or eligible student under the following circumstances, in compliance with federal and Virginia law, to the following:

- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to

the student's enrollment or transfer upon request of the other school, school system, or institution of post secondary education;

- 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, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released;
- To comply with a judicial order or lawfully issued subpoena;
- To appropriate officials in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- To an agency or organization upon request if federal or state law mandates release of student record upon request of the agency or organization;
- To accrediting organizations to carry out their accrediting functions;
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, 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 that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met;
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement;
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met.

Eligible persons seeking access to student records should notify the principal of the school attended by the student. The request should be in writing and needs to identify the records the parent/guardian or eligible person wishes to inspect. The principal will arrange access to the records within forty-five days (45) or less from receipt of the request. Arrangements will be made for a staff member to be present to interpret the data if necessary. Parents who wish to have records released to specified individuals should request and authorize the release in writing. Parents and eligible students have a right to inspect and review the record of disclosures.

#### Directory Information

FERPA allows for the disclosure of information RPS has designated as directory information. The categories of information listed below are considered directory information and, as authorized by FERPA, may be disclosed by the

child's school unless his/her parents or guardians file a non-disclosure request with the child's school. RPS designates the following as directory information: the name of the student in attendance or no longer in attendance; the student's participation in officially recognized activities and sports; the height and weight of the student, if he or she is a member of an athletic team; and any awards, honors, or degrees the student receives. Appearance in a school yearbook and/or programs for school events such as a graduation, other school ceremonies, and /or a school production would also be considered directory information.

In addition to the directory information designated above, both federal and Virginia law requires that Richmond Public Schools provide military recruiters, upon request, with the name, address and telephone number of each secondary student. Parents have fifteen (15) administrative days from the receipt of this notice to notify the principal of their child's school, in writing, that (1) any part or all of the directory information about their child shall not be released without prior consent; and/or (2) the child's name, address, and/or phone number shall not be released to military recruiters without prior written consent. Under Virginia law, RPS only has to provide this information and/or contact with the military if it provides the students with access to other professional, educational, and/or higher education opportunities.

Moreover, RPS schools are occasionally visited by local, state, and/or federal public officials and those public officials are often photographed and/or recorded by RPS and/or by news media. Parents have fifteen (15) administrative days from the receipt of this notice to notify the principal of their child's school, in writing, that they do not want their student photographed or recorded with or in the presence of a local, state, and/or federal public official if such a person visits their student's school.

Events that generally promote RPS' image and are recorded by RPS and/or news media, including but not limited to, pep rallies and/or sporting events are not protected by FERPA except in limited circumstances and/or otherwise protected by law.

#### Virtual Instruction

Unless the class is a self-contained class with only exceptional educational students, a student's appearance on screen during a virtual class is not generally protected by FERPA. Some exceptions may apply. Moreover, teachers, using RPS approved, secure teaching platforms may record the classes solely for the future review of the students in the class. Again, unless the class is a self-contained class with only exceptional educational students, the recordings of the virtual instruction are not protected by FERPA. Again, some exceptions may apply. Please also be advised that the recordings may be subject to release under other federal and/or Virginia laws, including but not limited to, the Freedom of Information Act (FOIA).

If families choose not to use the RPS approved backgrounds during virtual instruction, items that appear in a student's background are not protected by FERPA. RPS SCORE is in effect during virtual instruction.

#### Parents' Rights to Review Student Records

Parents and eligible students have a right to review and inspect the student's education records. RPS maintains records according to the schedules established by Virginia state law and regulations. Data may be destroyed five years after a student graduates or leaves school except as follows: RPS maintains a permanent record of a student's name, address, date of birth, parents'/guardians' names and addresses, program of studies plan, classes completed, grades and GPA, attendance record, grade level and year completed, type of diploma, certificate of immunizations, and Virginia State Assessment Program results. Older records and/or records with older documents may also contain information that was legally and/or routinely allowed to be requested and collected at the time the record was established and/or the information was collected.

If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask RPS officials to amend the record. Parents and eligible students should make all requests to amend education records in writing to the school principal, clearly identifying exactly which portion of the record they would like amended and the reasons they believe the record should be amended. RPS shall decide whether to amend the record as requested within a reasonable time after it receives the request. If RPS officials decide not to amend the record, they shall inform the parents or eligible student of the school division's decision and of their right to a hearing on the matter.

All parents and eligible students shall have an opportunity for a hearing before school officials to challenge the content of their child's records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity to correct or delete any inaccurate, misleading or inappropriate information therein. If, after such hearing, RPS officials determine that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, they shall amend the record accordingly and inform the parent or eligible student of the amendment in writing. If, after such hearing, RPS officials decide the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, they shall inform the parents or the eligible student of the right to place a statement in the challenged record commenting on the contested information in the record or stating why they disagree with RPS' decision, or both. RPS shall maintain any such statement with the contested part of the record for as long as the record is maintained and shall disclose the statement whenever it discloses the portion of the record to which it relates.

Parents and eligible students may also file a complaint with the United States Department of Education concerning RPS' alleged failure 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, DC 20202

#### Costs of Reproducing Records

RPS may charge a nominal fee, not to exceed the cost of reproduction, for copying student records. RPS will not charge for the copying of any student's current and/or last consented to individualized education plan ("IEP"). However, any and all other documents contained in the student's record will be subject to charge. RPS will send transcripts of a student's scholastic record to other educational institutions at an eligible student's or parents' request without charge.