



MANAGEMENT OF THE
**STUDENT
SCHOLASTIC
RECORD**



Table of Contents

Chapter 1 - Overview 1

Chapter 2 - Definitions 2

Chapter 3 - The Student Scholastic Record 6

Chapter 4 – Parent and Eligible Student Rights 8

Chapter 5 - Disclosure of Information from Student Scholastic Records.....11

Chapter 6 - Procedures for Disclosure of Student Scholastic Records18

Chapter 7 - Procedures for Amendment of Student Scholastic Records and Complaints21

Chapter 8 - Maintenance and Storage24

Chapter 9 - Frequently Asked Questions About Student Scholastic Records30

APPENDIX A - Organization of Student Scholastic Records42

APPENDIX B - Form for Use with Student Scholastic Records50

APPENDIX C – Template Letter to Parent for Disclosure of PII53

Chapter 1 - Overview

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

FERPA protects the rights of parents with respect to their children's scholastic records. These rights transfer to the student, or former student, upon reaching the age of 18 or entering a postsecondary school (not dual enrollment). Students and former students to whom the rights have transferred are called "eligible students."

FCPS provides notice to parents and eligible students of their rights under FERPA at the beginning of each school year through the Annual Notice of Survey, Records, Curriculum, Privacy, and Related Rights, and Opt-Out Forms and Explanations (FCPS Opt-Out Forms Packet). The current version of the FCPS Opt-Out Forms Packet is available in English and translated versions on the FCPS public website at [FCPS Registration Opt-Out Forms](#).

Parents or eligible students who wish to file a complaint alleging that FCPS is not in compliance with FERPA should first inform the school principal of the complaint and work with the school to resolve the matter. If not satisfied with the results they may appeal to the FCPS Region Office. A parent or eligible student may also 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 20202-5920. A complaint must contain the specific allegations of fact giving reasonable cause to believe that a violation of FERPA occurred.

Chapter 2 -
Definitions

The following definitions apply in these guidelines:

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

Business day – a day on which FCPS central offices are open. An alternate term is working day.

Centrally maintained student files – student files maintained by the school or central office for a student. This includes the student’s cumulative file, school health room file, disciplinary file, special education file, special services file, advanced academics file, hearings office file, attendance records, and due process file.

Dates of attendance – the period of time during which a student attends or attended an FCPS school. Examples of dates of attendance include an academic year, a spring semester, or a first quarter. The term does not include specific daily records of a student’s attendance.

Directory information – information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The FCPS definition of “directory information” is set forth at the beginning of each school year in the FCPS Opt-Out Forms packet. Changes to the definition of “directory information” may occur annually and are published in the FCPS Opt-Out Forms packet. Any disclosure of directory information must be made in accordance with the current school year’s definition of directory information. The current version may be found on the FCPS public website at:
<https://www.fcps.edu/registration/opt-out-forms>.

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

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

Education record – any information recorded in any way including handwriting, print, computer media, video or audiotape, film, and microfiche maintained by FCPS or an agent of the school division that contains information directly related to a student, except:

- Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record (this is a FERPA exception and does not necessarily exempt these records from disclosure pursuant to a subpoena, search warrant, discovery request, or court order).
- Records created and maintained for law enforcement purposes by FCPS Law Enforcement Unit.
- Records relating to an individual who is employed by FCPS that are made and maintained in the normal course of business, relate exclusively to the individual in the

individual's capacity as an employee, and are not available for use for any other purpose;

- Records that only contain information about an individual after he or she is no longer a student at FCPS, for example, alumni records;
- Grades on peer-graded papers before they are collected and recorded by a teacher; and
- Any electronic information, such as email, even if it contains personally identifiable information regarding a student, unless a printed copy of the electronic information is placed in the student's file or is stored electronically under an individual student's name on a permanent and secure basis for the purpose of being maintained as an education record. For purposes of this policy, electronic information that exists on a back-up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.
- Records that are protected by the attorney-client privilege or the attorney work-product doctrine:
 - The attorney-client privilege protects from disclosure any communications to, from, or with an attorney in which the client is seeking legal advice or the attorney is providing it.
 - The attorney work-product doctrine protects from disclosure any writing that reflects an attorney's impressions, conclusions, opinions, legal research, or theories.
 - This means that any FCPS records (including student scholastic records) that reflect communications between FCPS and its attorneys (Division Counsel and/or law firms, or other legal counsel employed by FCPS) or work-product of those attorneys shall not be disclosed to anyone who is not an FCPS school official, with a need to know. Volunteers are not considered school officials for this purpose.
 - This exemption applies only to records containing communications between FCPS and its attorneys or work-product of FCPS attorneys. It does not apply to communications between FCPS attorneys and others or communications from attorneys representing parents, community members, or other third parties.

Eligible student – a student enrolled in FCPS who has reached 18 years of age or has entered a postsecondary institution regardless of age. Concurrent enrollment in FCPS and a postsecondary institution does not make a student “eligible.”

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

FCPS Law Enforcement Unit – includes the Office of Safety and Security, safety and security specialists, safety and security assistants, school resource officers, human resource investigators, and administrators specifically designated by a principal or program manager as designated members of the FCPS Law Enforcement Unit.

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

Inspect and Review – the ability to access, inspect and review education records as required by law. When required by law, FCPS will provide copies of the education records at no cost. See Chapter 4, Part I.E below. When not required by law to provide copies, FCPS may, in its sole discretion, offer education records for inspection and review by either: 1) arranging for an in-person inspection and review of education records; or 2) providing copies of education records. Education records that are stored electronically will be made available for inspection and review by providing electronic copies of those education records, unless doing so would prevent the parent or eligible student from inspecting and reviewing the records.

Legitimate educational interest – necessary to fulfill a professional responsibility.

Parent –includes a natural parent, a legal guardian, a stepparent who resides with the child on a day-to-day basis, or an individual acting as a parent in the absence of a parent or a legal guardian. FCPS will consider an individual to be “acting as a parent in the absence of a parent or legal guardian” only in exceptional circumstances. See [Regulation 2240](#) for explicit definitions regarding parent participation and decision making.

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

Personally identifiable information – any personal characteristics that would make the student’s identity easily traceable, including, 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 identification 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.

It is important to note that a document can be considered “personally identifiable information” without identification of the student by name.

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

Scholastic record – see *education record*.

School official – a person employed by FCPS as an administrator, supervisor, instructor, or support staff member (including Public Health Nurses, school health aides and members of FCPS Law Enforcement Unit); a person serving on the School Board; a person or company with whom FCPS has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); a parent or an adult volunteer serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Student volunteers are not school officials.

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

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

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

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

Working day – a day on which FCPS central offices are open. See also business day.

Chapter 3 -
The Student Scholastic Record

STUDENT SCHOLASTIC RECORDS

The content of the scholastic record should be limited to data needed by the school to assist the student in his or her personal, social, educational, and career development, otherwise provide services, or comply with state or federal requirements.

1. Types of Records

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

2. Records Collected for All Students

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

- Academic transcript
- Legal name and address of students
- Birth date
- Sex
- Student ID
- Name and address of parent
- Record of attendance
- Schools attended
- Grades and grade point average
- Type of diploma earned
- Test and assessment data
- School entrance physical examination report, immunization certificate, or verification of immunizations
- Adjudication Affirmation information ([SS/SE-219](#)) (must be maintained separate from other records)
- *Record of Disclosure of Student Record* ([SS/SE-94](#))
- Student termination information (graduation/withdrawal/program completion)

3. Student Identification

The child's legal name, birth date, sex, and parent(s) name as they appear on the birth certificate shall be considered the student's official identification and shall be entered in the FCPS student scholastic record and in FCPS systems. A court order, updated birth certificate, or passport attesting to any changes in student identification is required before any changes will be made to the student scholastic record. Changes in a foreign birth certificate must be supported by a document issued by the United States government or by an official identification document of the country of origin. When a change does occur, a copy of the document supporting the change is maintained in the scholastic record. Once a student is no longer enrolled in FCPS, no changes to student identification will be made other than to correct an error. See the current version of [Regulation 2202](#).

4. School Adjudication Affirmation

At enrollment, the parent must provide a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private or public school for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. The FCPS Student Registration form provides a place for the enrolling parent to attest to their student's status. A completed, signed registration form is required each time a student is enrolled in an FCPS school. See the current version of [Regulation 2202](#) and [SS/SE-219](#)

5. Social Security Number

A social security number (SSN) is not required to be included within the student scholastic record. FCPS does not require that such information be included in a student's computerized records. Any SSN information that exists for a particular student may be maintained in that student's cumulative file. Student files and other records shall be maintained and tracked by means of an FCPS-assigned student identification number, not the student's SSN.

6. Birth Certificates and Enrollment

When enrolling a student in FCPS, the parent or student must provide an original certified birth certificate. The information on this certificate is used to establish the complete legal name of the student, the student's date of birth, sex, and the names of the parents. Data entered on FCPS forms and data entered into FCPS systems must match the information provided on the certificate. In the absence of a birth certificate, an affidavit must be submitted with the required information and an explanation of why the birth certificate cannot be provided. The affidavit should be accompanied by another bona fide record that supports the information supplied in the affidavit. See [Regulation 2202](#). FCPS regards retention of copies of the birth certificate in the active cumulative file as best practice. Refer to [Chapter 3, Section 4](#) for more information about both documents.

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

7. Visa

A visa is not part of the student scholastic record and is not retained. FCPS accepts students who meet the requirements of [Regulation 2202](#).

8. Homeless Students

A student is considered to be homeless when he or she lacks a fixed, regular, and adequate nighttime residence. FCPS must immediately enroll homeless students even if they do not have the required documents, such as a birth certificate, school records, medical records, proof of residency, or other documents. The enrolling school shall immediately contact the last school the homeless student attended to obtain relevant academic and other records. The student must be enrolled while the records are being obtained. The term "enroll" is defined as attending classes and participating fully in school activities. The FCPS Homeless Liaison is available to provide assistance in determining whether a student is in a homeless situation. See [Regulation 2205](#).

Chapter 4 –
Parent and Eligible Student Rights

I. SCHOLASTIC RECORDS RIGHTS

Parents and eligible students (see [Section V](#)) have the following rights regarding inspection and review of the student's scholastic records:

- A. To inspect and review the scholastic records of the student. When a student's scholastic record contains personally identifiable information on other students, a parent or eligible student's right to inspect and review pertains only to that part of the record or document that relates to the specific student.
- B. To inspect and review scholastic records of a student with a disability without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP), or any hearing or resolution session as required by the Individuals with Disabilities Education Act (IDEA). The IDEA also allows the parent to have a representative inspect and review the scholastic records.
- C. To (1) request that FCPS correct or delete data that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, (2) request a hearing to challenge an FCPS decision denying such a request to amend the student's scholastic record, and (3) insert a written explanation into the student scholastic record stating the reason for objecting to the content of the scholastic record, if FCPS does not amend the scholastic record after the hearing. See [Chapter 7](#) for specific procedures.
- D. To receive an annual public notice of parent rights and designated categories of directory information and the opportunity to opt out of the disclosure of directory information. See [Chapter 4, Section II](#).
- E. To receive copies of scholastic records or make other arrangements for the parent or eligible student to inspect and review the requested scholastic records, if circumstances effectively prevent the parent or eligible student from otherwise exercising the right to inspect and review the student's scholastic records (for example, a parent who lives outside of Fairfax County who is unable to inspect and review the scholastic records in person). In addition, parents are entitled to receive copies, upon request, of records that are disclosed to another school that their child is attending or plans to attend.
- F. To receive a response to reasonable requests for explanations and interpretations of the scholastic records.

II. RIGHTS NOTIFICATION

FCPS provides notice to parents and eligible students of their rights under FERPA at the beginning of each school year through FCPS opt-out forms packet. The FCPS opt-out forms packet is available in English and translated versions on the FCPS public website at [FCPS Registration Opt-Out Forms](#).

It is the responsibility of the enrolling parent to complete Opt-Out forms. See [Regulation 2240](#).

III. INSPECTION AND REVIEW FEES

FCPS may charge for providing copies of scholastic records in accordance with [Notice 2701](#), Schedule of Fees for Duplicating Student Scholastic Records. If the fees charged would prevent a parent or eligible student from exercising his or her right to inspect and review the scholastic records, the fees will be waived. If FCPS in its sole discretion opts to provide copies of the scholastic records, in lieu of an in-person inspection and review, the fees will be waived. The fees do not include the cost to search for and retrieve the scholastic records of a student. FCPS does not charge a fee for copying a student's IEP that is required to be provided under IDEA.

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

IV. LIMITING PARENT RIGHTS

FCPS gives full rights to either parent, unless FCPS has been provided with a copy of a court order that specifically restricts a parent's exercise of their rights under FERPA. See Section A below. Parental rights are also restricted when the student becomes an eligible student. See [Section B](#) below.

A. Objections between Parents

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

B. Parents of Eligible Students

FCPS may disclose scholastic records to the parents of a currently enrolled eligible student if the eligible student is considered a dependent for income tax purposes, absent a court order specifically prohibiting it. The term "dependent" is defined in Section 152 of the Internal Revenue Code. FCPS shall presume that all students currently enrolled in FCPS remain the tax dependent of their parents. If an eligible student enrolled in FCPS asserts that he or she is no longer a dependent and does not wish his or her scholastic records to be disclosed to the parent, FCPS may notify the parent and offer the parent the opportunity to demonstrate that the student remains a dependent. The parent may do so by providing a copy of the relevant portion of the parent's or parents' most recent tax return(s) showing that the student was claimed as a dependent. The parent or parents may redact all financial and other unnecessary information that appears on the form, as long as the tax return clearly shows the parent's or parents' names and the fact that the student is claimed as a dependent. (See [Section V](#) below).

Parents of dependent eligible children cannot grant authorization for disclosure of the student's scholastic record to a third party nor may they request amendment to the

scholastic records.

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

If a parent of an eligible student who is no longer enrolled in FCPS seeks disclosure of the eligible student's education record, FCPS shall require either (1) the eligible student's written consent, (2) a showing by the parent as described above that the student remains a dependent for tax purposes, or (3) a court order or other legally binding document establishing that the parent maintains guardianship.

V. ELIGIBLE STUDENTS

Upon becoming an eligible student, the student has full rights to their own scholastic record, and the parents' rights are limited. A parent retains the right to inspect and review the scholastic record as long as the eligible student is considered a dependent for income tax purposes unless the principal or designee determines that (1) doing so would pose a safety concern for the student; (2) is prohibited by court order; or (3) for other good cause. An eligible student's request that FCPS deny disclosure of the student's scholastic record to the parent will not be honored unless the exceptions described in this section are found to apply. Information regarding the decision-making rights of eligible students can be found at:

<https://www.boarddocs.com/vsba/fairfax/Board.nsf/goto?open&id=9YSKDD514B05#>.

Eligible students who are self-enrolling and are identified as unaccompanied and homeless youth do not require parental notification or a determination of dependency status. Any questions regarding a student in this situation should be directed to the Homeless Liaison at 571-423-4332.

Chapter 5 -
Disclosure of Information from Student Scholastic Records

I. DISCLOSURE CONSIDERATIONS

FCPS is responsible for protecting the confidentiality of scholastic records. Before personally identifiable information is disclosed from a student's scholastic record to any person other than a parent or eligible student, FCPS must receive a signed and dated consent from either the parent or eligible student (see [Section IV](#) of this Chapter) or determine that disclosure without consent is authorized (see [Section II](#) of this Chapter).

II. DISCLOSURE WITHOUT CONSENT

FCPS has authority to disclose scholastic records without the consent of the parents or eligible student to the following parties if they meet the described conditions:

- A. School officials within FCPS who have legitimate educational interests, including the educational interests of the student for whom consent would otherwise be required.
- B. Officials of another school, school division, in which the student seeks or intends to enroll, upon condition that the parents be notified of the transfer, receive a copy of the record upon request, and have an opportunity for a hearing to challenge the content of the record. FCPS requires a written release from the parent or eligible student before sending records to postsecondary institutions.
- C. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, or state or local educational authorities. Virginia law prohibits FCPS from disclosing student records to the federal government unless the disclosure is required by law.
- D. State and local officials or authorities to whom the information is allowed to be reported or disclosed pursuant to a state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are disclosed; or after November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are disclosed; and the officials and authorities to whom such information is disclosed certify in writing to the educational institution that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent of the student. See [Chapter 9, FAQ #39](#).
- E. A party when the disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, the amount of the aid, the conditions of the aid, or enforce the terms and conditions of the aid. "Financial aid" means payment of funds to an individual, or a payment in-kind of tangible or intangible property to an individual, that is conditioned on the individual's attendance at an educational agency or institution.
- F. Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or

improve instruction. FCPS may disclose information only if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organizations, and the information is destroyed when it is no longer needed for the purposes for which the study was conducted. All studies by outside organizations or individuals involving the collection of student information must follow the requirements of [Policy 1475](#) and [Regulation 1475](#).

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

III. REQUESTOR VERIFICATION

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

IV. CONSENT FORMAT AND USES

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

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

No particular format is required so long as the written consent is signed and contains the necessary elements. Parents and eligible students may use [SS/SE-79, Release of Student Records Authorization](#) form to provide written consent for student scholastic record disclosures. If the written consent does not identify specific scholastic records to be disclosed, all of the student’s centrally maintained student files will be disclosed (see [Chapter 2](#) for additional

information). FCPS may contact the requester to seek clarification if the request is ambiguous. If the requester agrees to restate or narrow the request, a staff member should document the revision of the request and provide a copy to the requester.

Parents and eligible students may use a single written consent to authorize disclosure to several parties. Parents and eligible students also may use a single written consent to authorize a party or parties to receive continuing disclosures of the student's scholastic record. In either case, the signed consent must conform to the above requirements.

V. DISCLOSURE RECORDKEEPING

[SS/SE-94](#). *Record of Disclosure of Student Record* form is a log used to document disclosure of information in a student's education record when the disclosure is to anyone other than:

- The parent or eligible student;
- A school official who has legitimate educational interests;
- A party with written consent from the parent or eligible student;
- A party seeking directory information.

No entry shall be made, however, when the disclosure is in response to a court order or subpoena that specifies that the subject of the education records should not be notified. The form should be initiated at the first such request for disclosure and updated to reflect subsequent disclosures. The form and any written consents must be maintained in the student's education record. Any unauthorized disclosure of student information must be recorded on this form and reported to the FERPA Officer by emailing FERPA_Request@fcps.edu. See Chapter 6 section VII for guidance on what is required in that notification.

VI. DIRECTORY INFORMATION

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

The FCPS definition of "directory information" is set forth at the beginning of each school year in the FCPS opt-out forms packet. For students currently enrolled in FCPS, the decision to opt out of the disclosure of directory information applies only to the current school year. If a student withdraws or graduates from FCPS, however, FCPS will continue to honor the last opt-out decision made while the student attended FCPS, unless FCPS is notified that the choice has been rescinded.

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

Federal law requires FCPS to disclose the names, address and telephone numbers of secondary school students to military recruiters who request that information. Parents of the

student (or the student, once aged 18) may opt out of the disclosure of this information. A parent decision to opt out of this disclosure of information remains in effect until it is rescinded.

VII. RE-DISCLOSURE OF INFORMATION

FCPS will only disclose personally identifiable information from an education record to a third-party on the condition that the party to whom the information is disclosed will not “re-disclose” the information to any other party without prior, written consent of the parent or eligible student. The party who properly receives the information may use the information only for the purposes for which the disclosure was authorized. If FCPS determines that the third party improperly disclosed information from scholastic records, FCPS will not disclose personally identifiable information to that third party for at least five years. Any violation of the re-disclosure restrictions should be reported to the FCPS FERPA Officer by emailing FERPA_requests@fcps.edu. See Chapter 6 section VII for guidance on what is required in that notification. If FCPS determines that a party improperly disclosed information from scholastic records, FCPS may opt to not allow disclosure of personally identifiable information to that party for at least five years.

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

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

VIII. SENDING COPIES OF STUDENT SCHOLASTIC RECORDS

A. To other pre-k through 12 schools and school divisions

Original scholastic records are not sent outside of FCPS. FCPS maintains the scholastic records created by or for FCPS; copies are provided to other schools requesting scholastic records. Consent from the parent or eligible student is not required to comply with a request for scholastic records from officials of another school division if the student seeks or intends to enroll there, provided that the parents be notified of the transfer, receive a copy of the record upon request, and have an opportunity for a hearing to challenge the content of the record. 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 send complete copies of scholastic records as soon as they are requested.

B. To correctional facilities

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

- Transcript(s) from all grade levels
- Most recent report card if a mid-year withdrawal and information does not appear on a transcript

- Immunizations
- Current test history card from SIS Most recent IEP
- Most recent 504 Plan
- Discipline incident reports that have occurred within the past 5 years

C. To postsecondary institutions

FCPS provides copies of transcripts with parent or eligible student consent as provided for in the IS-111, *Consent for Release of Student Records in Support of Postsecondary Applications*: <https://www.fcps.edu/sites/default/files/media/forms/is111.pdf>. FCPS sends discipline information only when an explicit separate consent for that type of information is provided by the parent or eligible student, with the exception of situations that constitute a health and safety emergency, as outlined in [Section IX](#) of this Chapter.

IX. HEALTH AND SAFETY EMERGENCIES

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

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

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

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

X. MISSING CHILDREN

When notified by a local law enforcement agency that a child is missing, the principal shall have the student's scholastic record updated to reflect that the child has been reported missing. Upon receiving a request for copies of scholastic records of any student flagged as a missing child, the school staff shall immediately contact the principal. The principal (or designee) shall notify the law enforcement agency that reported the child as missing and identify the source of the request for scholastic records of the missing child.

Whenever a school cannot obtain the scholastic record for any newly enrolled student and school personnel suspect that the student is a missing child, the principal shall notify local law enforcement for investigation as a possible missing child. The principal may consult with the Region Office before notifying law enforcement.

XI. SCHOLASTIC RECORDS OF STUDENTS WITH DISABILITIES

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

- A. Student special education records will be disclosed in alignment with FERPA and relevant state and federal regulations.
- B. Parents and their representatives (with the written consent of the parent) shall be given an opportunity to inspect and review special education records upon request before any meeting regarding an IEP or any hearing.
- C. Reasonable requests for explanations of special education records, including standardized test protocols and results, shall be honored.
- D. Special education records are kept for active students and for five years after the student exits (graduates, withdraws, or completes a program) from FCPS. After five years, these education records are destroyed in compliance with FCPS policy and applicable state records retention schedules.
- E. Students who attend private schools located within Fairfax County or are home instructed (and remain residents of Fairfax County) and who qualify for special education services, but do not receive these services from FCPS are entitled to reevaluations at least every three years or upon parent request. The scholastic record should be transferred, as necessary, to the school conducting the reevaluation, which then becomes the student's last school of attendance. The five-year retention period begins from the most recent date of eligibility.

XII. RESPONSE TO SUBPOENA

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

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

XIII. REQUEST FOR RECORDS NOT RELATED TO A SPECIFIC STUDENT

Non-scholastic records (including records that do not identify a specific student) may be subject to the Virginia Freedom of Information Act (FOIA). An initial response to a FOIA request must be made within five working days. Provide a copy of any FOIA requests within 48 hours to the attention of the FOIA officer by emailing FOIA_requests@fcps.edu. The FOIA officer will prepare a response. Schools and offices will be expected to promptly provide responsive documents to the FOIA Officer and otherwise assist to ensure that responses are timely.

Chapter 6 -
Procedures for Disclosure of Student Scholastic Records

This Chapter outlines step-by-step procedures to be followed when responding to requests for scholastic records pertaining to a particular student. See the current version of [Regulation 1501](#) and [Chapter 5, Section XIII](#) for information on how to process requests for non-student specific information.

I. DETERMINE THE DEADLINE FOR RESPONSE

Upon receipt of a request for scholastic records from parents, eligible students, or authorized third parties, schools shall notify the FERPA Office by emailing FERPA_requests@fcps.edu. Upon notification from the school, the FERPA Office will send an acknowledgement within five calendar days to the parent, eligible student, or authorized third party, notifying them that FCPS will comply with their request within a reasonable period of time, but not more than 45 calendar days from receipt of the request.

II. CONFIRM THAT DISCLOSURE TO THE REQUESTOR IS AUTHORIZED

- A. Before any information is disclosed in response to a request for student scholastic records, authorization for disclosure to the requestor must be verified. [Chapters 4](#) and [5](#) explain when disclosure of student scholastic records to parents, eligible students, and others is authorized. Any person seeking disclosure of student scholastic records may be required to provide appropriate identification; a government issued photo ID is preferred. In situations where an unfamiliar person is asserting that he or she is the parent of a student, birth certificates or custody orders may be useful in confirming the person's relationship to the student. Schools may contact the enrolling parent and/or the student to confirm the identity of the requestor.
- B. Any person other than a parent or eligible student who requests scholastic records must provide either:
 - 1. a written consent signed by a parent or eligible student; or
 - 2. sufficient information for FCPS staff members to determine that the student's scholastic records may be disclosed to the person without the consent of a parent or eligible student. Refer to [Chapter 5, Section I](#) and [Section II](#) for guidance regarding the circumstances under which scholastic records may be disclosed to persons other than the parent or eligible student without consent.
- C. Parents or eligible students may provide written consent for scholastic records to be disclosed to others by:
 - 1. providing a signed document that identifies the student, specifies the scholastic records to be disclosed, the reason(s) for disclosure, and the names of the party or class of parties to whom scholastic records will be disclosed; or
 - 2. completing [SS/SE-79, Release of Student Records Authorization](#) form.

If the written consent does not identify specific scholastic records to be disclosed,

all of the student's centrally maintained student files will be disclosed. The written consent must be maintained in the student's cumulative file attached to the *Record of Disclosure of Student Record*, [form SS/SE-94](#).

III. COLLECT AND REVIEW THE REQUESTED SCHOLASTIC RECORDS

- A. When responding to a request for scholastic records, clarify what information is being requested if necessary. If the request is revised, document the revised request and provide the requester with a copy of the revised request so that he or she may correct if needed. You may need to identify and contact all FCPS schools, offices, and personnel likely to have the scholastic records requested.
1. A student's education record is not limited to the student's cumulative file. See [Appendix A](#) and [Chapter 8](#) for examples of other types of files that may contain the requested education records.
 2. Reminder: These records may include documents kept in working or other files that, because of their lack of educational significance, would not ordinarily become part of the student's scholastic record; however, if such documents have not been deleted or discarded prior to the time of the request, they must be provided, if specifically requested.

Review records, before disclosure is granted, to determine whether any information must be withheld. Records, or portions thereof, should be withheld if they are not educational records, as defined in this manual.

- B. In cases where information must be withheld from only a portion of a document, the FERPA Office will coordinate redaction of the documents. The redacted documents will be provided to the school and must be attached to the request maintained in the student's folder.

IV. PROCEDURES FOR IN PERSON INSPECTION AND REVIEW

- A. Any person, other than an FCPS staff member acting in their capacity as an employee, who is inspecting and reviewing student scholastic records must be supervised by staff, especially if originals are being provided for inspection and review.
- B. If parents or eligible students bring third parties with them to inspect and review scholastic records (for example, someone to help translate the documents), the parent or eligible student must provide a written consent authorizing disclosure of the student's scholastic record to the third party. No particular format is required so long as the written consent is signed and contains the necessary elements defined in [Chapter 5, Section IV](#).
- C. Staff members shall inform the third party inspecting and reviewing student scholastic records that information from the student scholastic record is disclosed on the condition that the recipient agrees not to disclose such information to any other party without the written consent of the parent or eligible student. See [Section V. B](#) of this Chapter.
- D. Appropriate staff members shall respond to reasonable requests from parents or eligible students to provide explanation, interpretation, or translation of scholastic record

content.

V. PROCEDURES FOR PROVIDING COPIES OF SCHOLASTIC RECORDS

- A. All original FCPS documents must be maintained in the student's scholastic record.
- B. The following statement must be included on all transcripts or other documents that convey information from a scholastic record to a person or agency outside of FCPS:

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

- C. FCPS may charge for copying student scholastic records unless FCPS uses its discretion to provide copies in lieu of an in-person inspection and review, or if the fees charged would prevent a parent or eligible student from exercising his or her right to inspect and review the scholastic records. Charges will be calculated according to the fee schedule described in the current version of the relevant regulation. No charge may be imposed for searching or retrieving student scholastic records requested by parents or eligible students.

VI. DOCUMENT RESPONSES TO REQUESTS

[SS/SE-94](#) Record of Disclosure of Student Record form should be placed in each type of file as outlined in [Chapter 5, Section V](#).

VII. DOCUMENT RESPONSE TO UNAUTHORIZED DISCLOSURE OF STUDENT PERSONALLY IDENTIFIABLE INFORMATION (PII)

- A. Once unauthorized disclosure of student PII is determined, staff shall document the incident on the [SS/SE-94](#). The [SS/SE-94](#) should be maintained in the student's cumulative file.
- B. The school shall notify the FERPA Officer immediately of the unauthorized disclosure by emailing FERPA_requests@fcps.edu. This notification should include:
 - a. date, estimated date, or date range of the disclosure;
 - b. type of information that was or is reasonably believed to have been disclosed; and
 - c. remedial measures taken or planned in response to the disclosure.
- C. The FERPA Officer using the template provided in Appendix C, shall notify the parent/legal guardian (or eligible student) as soon as possible. A copy of this communication should also be maintained in the student's cumulative file.

Chapter 7 -
Procedures for Amendment of Student SCHOLASTIC Records and Complaints

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

FERPA requires only that educational agencies and institutions conform to fair recordkeeping practices. FERPA and its complaint procedures cannot be used to override accepted standards and procedures for making academic assessments, disciplinary rulings, placement determinations, and other evaluations. Accordingly, the right to seek amendment of education records cannot be used to challenge a grade, evaluation, or disciplinary sanction; it may only be used to correct the inaccurate recording of this information. Parents or eligible students may resolve questions pertaining to a current school year grade that they believe were incorrectly recorded through discussion with the teacher who awarded the grade. Parents or eligible students may resolve questions pertaining to a disciplinary record by following the appeal procedure outlined in the current version of the Student Rights and Responsibilities (SR&R).

I. AMENDMENT PROCESS

- A. Parents or eligible students must provide a written request for amendment of the scholastic record to the principal where the student is currently (or was most recently) enrolled. The request must identify:
 - The applicable student;
 - The scholastic record in question;
 - The specific information that the parent or eligible student believes should be changed;
 - In what way the scholastic record is inaccurate, misleading, or violates the privacy or other rights of the student.

- B. The principal will review the material provided by the parent or eligible student, may use other FCPS held information in the decision-making process, and may consult with the creator of the scholastic record. If the scholastic record in question contains specialized information (for example, a psychologist's report), the principal will consult with the professional who prepared the information or another qualified professional if the creator is unavailable prior to making a decision on amending, updating, or removing the information. If the principal and the professional are not in agreement as to the decision, the principal will consult with the professional's supervisor prior to making any changes in the scholastic record. If the scholastic record in question was created at a different FCPS school the principal should consult with the appropriate administrator at the previous school, whenever feasible, prior to making a determination regarding the accuracy of the scholastic record.

- C. The principal shall provide the parent or eligible student with a written decision within ten business days after the request is received.

- D. If the principal decides that the scholastic record should be amended, the scholastic record in question may be:
 1. replaced with an updated version of the record;
 2. changed to reflect the correct information; or

3. removed completely from the scholastic record.
- E. If the principal decides that the scholastic record should not be amended, the principal or designee will provide the parent's or eligible student the decision in writing setting forth the reasons for the decision and an explanation of the parent or eligible student's right to appeal the decision. See [Appendix B](#) for sample letter. A copy of the written decision will be placed in the student's file along with the record at issue.

II. APPEAL PROCESS

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

- A. A request for a hearing shall be provided, in writing, to the appropriate FCPS Region Office. The request must identify:
 - The applicable student;
 - The record in question;
 - The specific information that the parent or eligible student believes should be changed;
 - An explanation of why the parent or eligible student disagrees with the initial decision to deny the request for amendment.
- B. The FCPS Region Office, or a designee for the Region Office, will hold a hearing no later than 45 days after receipt of the request unless the parent or eligible student agrees to a later date. The person conducting the hearing (decision maker) must not have been involved in the creation of the record in question or have a direct interest in the hearing's outcome. The decision provided by the Region Office, or a designee of the Region Office, is final.

The parent or eligible student shall be notified in writing at least three business days in advance of the date, time, and place of the hearing.

- C. The hearing is informal and is limited to determining if the challenged record or information within the record is inaccurate, misleading, or in violation of the student's privacy or other rights.
- D. The parent or eligible student may, at his or her own expense, be assisted by another person, including an attorney.
- E. Either party may present witnesses and/or documentary evidence relevant to the issue.
- F. Within ten business days of the hearing, a written decision should be issued. The decision shall be based solely on evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision. Any documentary evidence presented by the parent or eligible student shall be attached to the written decision.
- G. If the decision maker agrees that the scholastic record should be amended, the record in question may be:
 - replaced with an updated version of the record;

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

Chapter 8 -
Maintenance and Storage

I. SCHOLASTIC RECORDS COLLECTION

It is the responsibility of the principal or the program manager to ensure that scholastic records are developed, maintained, and stored in a confidential manner in a secure location where they are not accessible to persons other than school officials who have a legitimate educational interest in the scholastic records. The principal or program manager has discretion to establish how scholastic records will be stored within the school or office so as to best accommodate staff members with legitimate educational interests in the records, as well as to best make use of the resources available for storage.

A. Recommendations Regarding Organization of Scholastic Records

FCPS is required to maintain certain records for each of its students. In addition to those records, FCPS creates and maintains many other types of records specific to each student. [Chapter 8, Section II](#), provides an overview of some of the types of student records that may be maintained, and the typical file names associated with those types of records.

B. Recommendations Regarding Storage

Scholastic records may be stored either in hard or electronic copy. Hard copy scholastic records must be maintained in storage that physically protects the scholastic records and restricts disclosure to authorized individuals. The best method to protect hard copy scholastic records against damage or loss is to store them in a designated locking records room within locking metal cabinets. If this is not possible, other recommended methods of protecting hard copy scholastic records include storage within locked cabinets, desks, or rooms. When scholastic records are maintained electronically, it is essential to maintain secure control over system passwords, employ system protection features, and back up data regularly. Please reference [FCPS Regulation 6225](#), *FCPS Information Security Policy*, for additional information.

II. TYPES OF STUDENT FILES

A cumulative file and a school health room file must be created for each student. Other types of files specific to the student also may be created as the need arises. The files may be kept together or may be stored in various locations, as needed, to accommodate staff members with legitimate educational interest in the records and to maintain security. Student scholastic records may also be maintained electronically (in the current student information system and electronic systems) or may be stored in files outside of the standard files described in Section II of this Chapter (for example, teacher working files). Records relating to a student are still part of the student scholastic record regardless of where they are maintained and the retention period remains unchanged.

A. Cumulative File

Each FCPS student must have a cumulative file. This file serves as the primary scholastic record folder for the student and is used to hold academic, registration, test,

and administrative records. A record of disclosure log must be maintained in this file. See [Appendix A](#) for more information about the types of records stored in this file.

B. Health File

A health file is maintained for each student that contains items such as the Clinic Card, Emergency Care Information form, Health Information form, Medication Authorization forms, Health Information Progress Notes, and Assessments. See [Appendix A](#) for more information.

C. Disciplinary File

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

D. Special Services File

This file may include:

- Record of Disclosure of Student Records
- Referral forms
- Local Screening Committee forms
- Notice and Consent for Evaluation forms
- Reports of evaluations and/or assessments, including educational, physiological (medical, speech and language, hearing, vision), psychological, career and socio-cultural evaluation or assessment
- Confidential reports from other agencies and/or institutions
- Eligibility committee decisions
- Individualized Education Programs (IEPs)
- Manifestation Determination Review (MDR)
- Administrative review summary (copy)
- Multi Agency file
- Section 504 qualification(s) records (initial and reevaluations)
- Section 504 Plans and associated documents
- Section 504 causality hearing documents
- Section 504 evaluation reports
- Section 504 correspondence

E. Advanced Academic Program

This file may include:

- Parent Notification and Placement Acceptance Form
- Record of Differentiated Services for Level III Services
- Referrals
- Copy of Level IV Screening File

F. Homebound

This file may include:

- Applications
- Homebound Approval
- Teacher Reports
- Referrals

G. Counseling Records

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

H. Home Instruction Records

These records are maintained in the Office of Operations and Strategic Planning.

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

I. Due Process File

These records are maintained in Office of Special Education Procedural Support.

- Administrative review summaries
- Mediation documents
- Hearing records
- Appeal letters
- Complaints to state and federal agencies
- Independent educational evaluations (IEE)

J. Hearings Office Files

These records are maintained by the Hearings Office.

1. Referral for Disciplinary Action

For serious violations, the principal may choose to make a referral to the Division Superintendent to conduct a hearing in order to consider more serious disciplinary actions (to include a long-term suspension, a reassignment, and/or a recommendation to the School Board for expulsion). For the most serious violations (including those involving certain weapons, illegal drugs, sexual assault, and assault on a school employee causing injury), the principal is obligated by School Board policy to make a referral to the Division Superintendent. The packets submitted in support of the referral, in addition to the decision letter(s) issued subsequent to the hearing, are maintained by the Hearings Office.

2. Notices of the Filing of a Petition

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

3. Notices of Court Disposition

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

III. SCHOLASTIC RECORDS HANDLING

A. Transfer to another FCPS School

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

B. Transfer to a Non-FCPS School (Public or Private outside Fairfax County)

FCPS retains the originals of all scholastic records. Only copies may be sent to the receiving school. Records disclosed for a student transferring to a non-FCPS school shall include transcripts from all grade levels, the most recent report card if information is not included on the transcript, immunization records, current test history card from SIS, most recent IEP (if applicable), most recent 504 Plan (if applicable), and a record of any discipline incidents that have occurred within the past five years. No disclosure of records authorization is required for FCPS to provide copies of scholastic records to another PreK-12 school where the student is enrolled or plans to enroll.

C. Withdrawal to a Private School or Home School within Fairfax County

Scholastic records shall be maintained at the last school of attendance for the duration of the natural tenure of the student. All special education records will then be transferred with the naturally matriculating student scholastic records to the school of attendance by last known address. As FCPS is responsible for maintaining the eligibility of all identified students within the local educational agency, accurate records of special education

student withdrawal, reason for withdrawal, and triennial due dates must be maintained and processed with the records of the vertically matriculating student scholastic records.

D. Periodic Review

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

Note: No records are to be destroyed if there is an outstanding request for either disclosure or inspection and review of the records, the records are part of an incomplete audit, or the records are relevant to a pending or ongoing investigation or threatened, pending, or ongoing litigation.

E. Update Activities

Schools should generate an updated transcript and test history card from SIS (*U-TST8502*) and file in the cumulative file whenever a student:

- transfers to another FCPS school,
- withdraws,
- graduates,
- completes a special program, or
- otherwise exits FCPS as a student.

F. Transferring Records to Document Management

The cumulative file and all *Record of Disclosure of Student Record* forms should be transferred to Document Management for long-term storage after a student has been separated from FCPS for five years. When preparing the cumulative file for transfer, ensure the file contains:

A final transcript that:

- is legible and contains current information,
- is in the correct student file (right student in the right folder),
- reflects all classes taken and grades earned (including summer school), and
- identifies the student's exit status (graduation, withdrawal, or completion of program)
- An updated test history card from SIS (*U-TST8502*) that is printed with the "Graduation Retention" test content option selected.

After the cumulative file is transferred to Document Management, other scholastic record components for the student will become eligible for destruction at the start of the new school year. See [Appendix A](#) for more information about when other scholastic records are eligible for destruction.

G. Scholastic Records Retention and Destruction Requirements

Records retention times are established by the Library of Virginia in accordance with the Virginia Public Records Act. Retention times establish how long we must keep various records before we destroy them. Destruction at the end of the retention period is mandatory unless there is an open request for disclosure of the records, the records are part of an incomplete audit, or the records are relevant to pending or ongoing investigation or threatened, pending or ongoing litigation. Completion of form RM-3 prior to destruction is required to establish that the records may be destroyed as planned and then to document that destruction did occur as required.

Chapter 9 -
Frequently Asked Questions About Student Scholastic Records

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

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

CONTENT OF STUDENT EDUCATION RECORDS

4. What is student education (scholastic) records?
5. What records are not considered education records?
6. Must a document identify a student by name in order to be an education record?
7. Are e-mails considered part of a student's education record?
8. What is a sole possession record?
9. What are the attorney-client privilege and attorney work-product doctrine and how do they apply to records held by FCPS?
10. What name should be used for a student in his or her scholastic record?
11. Should a school maintain copies of court orders or other documents relating to the custody of the student?
12. What are law enforcement records?
13. Are school health and medical records considered education records?
14. Are test protocols considered to be scholastic records?

PARENT AND ELIGIBLE STUDENT RIGHTS

15. Who is considered a "parent?"
16. Does divorce or separation affect a parent's FERPA rights?
17. What if one parent objects to the other parent's exercise of his or her FERPA rights?
18. Do stepparents or other caregivers have rights to disclosure of scholastic records under FERPA?
19. Do parents of students over 18 years of age have rights under FERPA?
20. Who is an "eligible student?"
21. What rights exist for a parent or eligible student to inspect and review scholastic records?
22. Do students have the right to inspect and review their scholastic file?
23. How does FCPS inform parents and eligible students of their rights regarding student education records?
24. How does FCPS respond to requests by parents or eligible students to inspect and review the student's scholastic records?
25. May FCPS charge a fee for copies of scholastic records?
26. May an educational agency withhold scholastic records, including report cards, because of nonpayment of fees?
27. May a parent or eligible student request amendment of the student's scholastic record?

DISCLOSURE OF INFORMATION FROM STUDENT SCHOLASTIC RECORDS

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

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

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

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

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

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

No, FERPA controls the confidentiality and disclosure of education records. It does not dictate which records must be maintained and for how long. Those questions are answered by the Virginia Public Records Act, Va. Stat. Ann. §§ 42.1-76, et seq. ([Virginia Public Records Act](#)), the Management of the Student's Scholastic Record in the Public Schools of Virginia, VAC 20-81-170, Regulations Governing Special Education Programs for Children with Disabilities in Virginia, 8 VAC 20-150-20 ([Guidelines for the Management of the Student's Scholastic Record in the Public Schools of Virginia](#)), and the Records Retention and Disposition Schedule No. 21 ([Library of Virginia - Records Retention and Disposition Schedule](#)) issued by the Library of Virginia. [Chapter 8](#) of this manual provides information about the requirements of those laws and regulations.

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

The general rule of FERPA is that all student scholastic records, and information derived from those records, are confidential. FERPA provides that student education records may not be disclosed to anyone unless FERPA specifically allows the disclosure. FERPA allows schools to disclose a student's education records with the written consent of the student's parents or of the eligible student. FERPA also specifically designates a limited number of other parties to whom FCPS may disclose a student's scholastic record without the consent of the parent or eligible student. [Chapter 5](#) of this manual lists the designated parties and describes the circumstances under which disclosure may be made to them.

CONTENT OF STUDENT EDUCATION RECORDS

4. What are student education (scholastic) records?

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

Education records (which may be collected orally, in writing, or by electronic means) encompass records maintained by FCPS that contain information on a student, except those

records specifically exempted by law. The term “education record” is used in FERPA whereas “scholastic record” is used in the *Code of Virginia*. These terms are used interchangeably in this manual. See [Chapter 3](#) for additional information.

5. What records are not considered education records?

See [Chapter 2, Education record](#).

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

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

7. Are e-mails considered part of a student’s education record?

E-mails are part of a student’s education record only if a printed copy is placed in the student’s file or is stored electronically under an individual student’s name on a permanent and secure basis for the purpose of being maintained as an education record. See Chapter 2, Education record.

8. What is a sole possession record?

See [Chapter 2, definition of education record](#).

9. What are the attorney-client privilege and attorney work-product doctrine and how do they apply to records held by FCPS?

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

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

See [Chapter 3, Student Identification](#).

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

When a child's parents are divorced or separated, it is important for school officials to know whether either parent has been restricted or prohibited by the court from exercising parental rights. It is the responsibility of the parents to provide that documentation to the school and to keep the information current. See [Regulation 2240](#). 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 shall maintain a copy in the student's file.

12. What are law enforcement records?

For purposes of this manual, the term "law enforcement records" refers to those records that are created and maintained for a law enforcement purpose by the Office of Safety and Security, safety and security specialists, safety and security assistants, school resource officers, human resource investigators, and administrators specifically designated by a principal or program manager as designated members of the FCPS Law Enforcement Unit. A law enforcement purpose includes ensuring the physical safety and security of people and property in FCPS buildings or grounds and/or the enforcement of any local, state, or federal law. Law enforcement records are neither considered disciplinary records nor scholastic records and will not be disclosed in response to a FERPA request.

Note that copies of records provided by the Law Enforcement Unit to school administrators that are then used for disciplinary or other educational purposes become part of the student's scholastic record and may only be disclosed as allowed by FERPA. The copy maintained by the Law Enforcement Unit remains exempt from FERPA and its disclosure prohibitions.

13. Are school health and medical records considered education records?

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

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

14. Are test protocols considered to be scholastic records?

Test protocols that do not contain personally identifiable information are not scholastic records. Test instruments and interpretive materials that do not contain the student's name are not considered to be directly related to the student. However, if test protocols contain personally identifiable information about the student, then they are scholastic records that parents have a right to inspect and review in person; however, parents do not have the right to copy them.

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

PARENT AND ELIGIBLE STUDENT RIGHTS

15. Who is considered a “parent?”

See [Chapter 2, Parent.](#)

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

No. As specified by Section 20-124.6 of the *Code of Virginia* and FERPA, FCPS shall give full rights to either parent, unless FCPS has been provided with evidence that there is a court order or other legally binding document that specifically prohibits disclosure of education records. It is the responsibility of the party who is seeking to restrict disclosure of education records to the parent to obtain and to provide a court order to FCPS. See [Regulation 2240.](#)

17. What if one parent objects to the other parent’s exercise of his or her FERPA rights?

See [Chapter 4, Section IV.](#)

18. Do stepparents or other caregivers have rights to disclosure of scholastic records under FERPA?

The rights of stepparents that reside with the student are addressed in [Chapter 2, Parent.](#) Stepparents who do not reside with the student and other caregivers do not have a right to inspect and review student education records unless a parent, a legal guardian, or an eligible student has consented in writing to that inspection and review. The written consent may specify that the stepparent or other caregiver be granted permission to inspect and review on a continuing basis.

In exceptional circumstances, student education records may be disclosed to a stepparent that does not reside with the student, or other caregiver, without consent if the stepparent or other caregiver is “acting as a parent in the absence of a parent or guardian.” For this exception to apply, the parent must be absent from the day-to-day home environment of the child. Every effort should be made to obtain consent from a parent before disclosure of student scholastic records is granted.

Student education records may also be disclosed to a stepparent or caregiver without written consent if they have a need to know in health and safety emergencies. [Chapter 5, Section IX.](#)

19. Do parents of students over 18 years of age have rights under FERPA?

See [Chapter 4, Section IV.B.](#)

20. Who is an “eligible student?”

See [Chapter 4, Section V.](#)

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

See [Chapter 4, Section IV.B.](#)

22. Do students have the right to inspect and review their scholastic file?

Parents control disclosure of the student scholastic file until the student becomes an eligible student. Students may, however, be provided with their completed work assignments, report cards, and other communications concerning their own progress in school.

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

FCPS provides notice to parents and eligible students of their rights under FERPA at the beginning of each school year through the Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights and Opt-Out Forms and Explanations (the FCPS opt-out forms packet). This information is also available in multiple languages, see [Chapter 1.](#)

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

See [Chapter 6](#) for more information.

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

See [Chapter 4, Section III.](#)

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

No. Section 22.1-6 of the *Code of Virginia* states that public schools may not withhold any student's scholastic record, report card, or diploma because of nonpayment of any fee or charge.

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

Yes, see [Chapter 7.](#)

DISCLOSURE OF INFORMATION FROM STUDENT SCHOLASTIC RECORDS

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

See [Chapter 5, Section I](#) and [Section II.](#)

29. How long does FCPS have to respond to a request for student scholastic records?

See [Chapter 6, Section I](#), for more information about how to process requests for student scholastic records.

30. What actions should FCPS take to verify the identity of a person requesting inspection and review of a student's scholastic record?

See [Chapter 6, Section II](#).

31. How may a parent or eligible student provide written consent to authorize disclosure of the student's scholastic records to a third party?

See [Chapter 6, Section II. C](#).

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

In this situation, the school must have the written consent of a parent or eligible student before it may provide information about the student to the requestor. It is not enough that the requestor has received informal or oral consent from the parents or eligible student to draft the letter. See [Chapter 5, Section IV](#), for additional information on written consents. Staff members may pursue either of two options to obtain this written consent: (1) Staff may contact the parent or eligible student and request that he or she provide written consent to allow FCPS to disclose student scholastic record information to the third party; or (2) Staff may respond directly to the third party acknowledging receipt of the communication and requesting that the third party provide FCPS with the written consent of a parent to allow a substantive response, including student scholastic record information, to be provided. Staff may use the following language in its response to third parties requesting such information:

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

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

Although the disclosure of student specific information is prohibited until a written consent is

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

33. May a parent or eligible student provide a “blanket consent” to disclosure?

Yes, FCPS allows parents and eligible students to, in a single consent form, authorize disclosure to several parties. Parents and eligible students also may use a single written consent to authorize a party or parties to receive continuing disclosure of the student's scholastic record. In either case, the signed consent must conform to FERPA's requirements as outlined in [Chapter 5, Section IV](#).

34. What conditions apply to disclosing directory information?

Directory information is defined in [Chapter 2](#). Public disclosure of directory information may be made in various ways. [See Chapter 5, Section VI](#).

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

Yes, unless the student (if over 18 years of age) or parent has opted out of the disclosure. [See Chapter 5, Section VI](#).

36. Does the child abuse reporting statute override FERPA protections?

Yes. Section 63.1-1509 of the Code of Virginia requires a teacher or other person employed in a public or private school, kindergarten, or nursery school to report suspected child abuse or neglect immediately. All reports must be made within 24 hours after first learning of the suspected abuse or neglect. The Child Protective Services (CPS) child abuse hotline number is 703-324-7400. The Virginia state Child Abuse and Neglect Hotline number is 800-552-7096. Reports may be made in one of two ways: (1) the employee may notify the principal of the child's school and the employee and principal may contact CPS jointly; or (2) the employee may report directly to CPS and provide the principal of the child's school with notice of the report after it has been made. See [Regulation 2115](#).

The federal Child Abuse Prevention and Treatment Act (CAPTA) provides an exception to FERPA that authorizes school personnel to disclose student scholastic records and information derived therefrom as necessary to ensure that such reports are made.

If CPS requires student scholastic records subsequent to the initial report or as part of an investigation not initiated by an FCPS report, student scholastic records may only be disclosed as set forth in [FAQ #38](#), below. Staff members may share personal observations and information not derived from student scholastic records in response to CPS inquiry without meeting the conditions described in [FAQ #38](#).

37. Must FCPS disclose the name of a staff member who has filed a report of child abuse or neglect with Child Protective Services to a parent or parent's representative?

No. The identity of the reporter is not considered a FERPA education record subject to disclosure even if the name has been made part of a record maintained by FCPS. Such information is also exempt from disclosure under the Virginia Freedom of Information Act pursuant to section 2.1-3705.1(1) of Code of Virginia.

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

With the exception of the disclosure to CPS addressed in [FAQ # 36](#) and [Regulation 2115](#), student education records may be disclosed to CPS workers, CASA workers, court-appointed guardians ad litem or other service providers (for example, a psychologist appointed by the court to evaluate the student) under the following conditions:

- They present a court order, subpoena, or other legally binding document granting such disclosure; or
- A parent has provided a written consent authorizing such disclosure; or
- The information is needed to enable the requester to handle an emergency situation that poses a serious threat to the health or safety of the student or others (See [Chapter 5, Section IX](#));
- The request is for directory information; or
- The disclosure is of education records of students currently in foster care and is made to CPS workers.

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

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

Student education records may be disclosed to law enforcement agencies under the following conditions:

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

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

FERPA does allow, however, disclosure of student education records to probation officers of

the Juvenile and Domestic Relations court if one of the following conditions are met: (1) written parental consent; (2) a court order authorizing such disclosure to the probation officer; or (3) FCPS has been provided with a completed copy of the “Juvenile and Domestic Relations Court Services Unit Request to FCPS to Release Student Record Information.” The disclosure must be recorded on the student’s *Record of Disclosure of Student Record, SS/SE-94 form* and the form must be maintained in the student’s cumulative file.

40. What recordkeeping requirements exist concerning requests and disclosures?

See [Chapter 5, Section V](#).

41. What limitations apply to the re-disclosure of information?

See [Chapter 5, Section VII](#).

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

See [Chapter 5, Section IX](#)

43. How does FCPS respond to a subpoena for student scholastic records?

See [Chapter 5, Section XII](#).

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

See [Chapter 5, Section XIII](#).

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

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

45. How long does FCPS maintain student scholastic records?

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

46. Is there a process to follow in the event of wrongful disclosure of Personally Identifiable Information (PII)?

See Chapter 6, Section VII.

- A. Once an unauthorized disclosure is reasonably believed to have occurred, the school must first document the wrongful disclosure of PII on the *SS/SE-94, Record of Disclosure of Student Record*, and file in the student's cumulative file.
- B. The school shall notify the FERPA Officer immediately of the unauthorized disclosure by emailing FERPA_requests@fcps.edu. See [Chapter 6 section VII](#) for guidance on what is required in that notification.
- C. The FERPA Officer will notify the parent or legal guardian. A copy of this communication will be provided to the school to be maintained in the student's cumulative file.

47. How long do we keep responses to a FERPA request for student records? Where should a copy of the response be kept?

The original request and the *SS/SE-94 Record of Disclosure of Student Record* will be maintained in the cumulative file as part of the student's long-term student record. Which records were made available for inspection and review should be documented either by maintaining an electronic copy of the documents produced or an index of documents produced along with a copy of the redacted version of any document provided in redacted form. The documentation of records provided in response to the request should be retained for 3 years unless there is ongoing litigation or an investigation in place or one can be reasonably anticipated. These records should be maintained with the cumulative file and follow the student when they change schools within FCPS.

See Chapter 6, Section III for additional information on redaction.

Appendix A -
Organization of Student Scholastic Records

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

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

TABLE 1: CUMULATIVE FILE

Record Type	Retention
<i>Record of Disclosure of Student Record – Attach all authorizations and written consents</i>	75 G/W
<i>K-3 Report Cards/Progress Reports</i>	Purge one year after grades appear on transcript
K-3 Achievement Record	Purge prior to transfer to middle school
<i>4-6 Report Cards/Progress Reports</i>	Purge one year after grades appear on transcript
<i>7-12 Report Cards/Progress Reports</i>	One year after grades appear on transcript
<i>Elementary Transcripts</i>	75 G/W
<i>Middle Transcripts</i>	75 G/W
<i>High Transcripts</i>	75 G/W
Grades from other school systems	75 G/W
Professional Technical Studies Competency Record	75 G/W
Early Childhood Rubric	End of 2nd grade (or 2 years after Kindergarten if student has withdrawn)
Pre-K and Early Childhood Headstart Records	Maintain as part of cumulative file until student enters middle school or 5 years after withdrawal from FCPS.
Reading Folders	Retain 1 year after student withdraws or is promoted to middle school.

Health (blue folder within cumulative file)

Record Type	Retention
Individual Health Plan (retain last copy)*	5 G/W
Medication Chart (SS/SE-46)	5 G/W
Commonwealth of Va. Entrance Health form - (MCH-213G) immunization record or the religious/medical exemption from immunization documentation	75 G/W
Commonwealth of Va. Entrance Health form - (MCH-213G) Physical examination record. Note: Document Management will separate the two parts of the Commonwealth of Va. Entrance Health form - (MCH-213G) form when they preserve the immunization portion.	5 G/W
Screening Record for Students Newly Enrolled in FCPS (SS/SE-20)	5 G/W

Test Scores (as summarized on Test History Card U-TST8502 from SIS)

Record Type	Retention
College Entrance Test Scores	75 G/W
Non-Graduation-Associated Test Scores—such as achievement batteries and inventories, certain VA assessment programs (e.g., SOL 3-8, VAAP), English language proficiency assessments (e.g., WIDA), and results from other mandated assessments	5 G/W
Graduation-Associated Test Scores—such as SOL EOC tests, substitute exams used for verified credit, college-level exams (e.g., AP, IB), and industry credential exams	75 G/W
Home Language Survey (SS/SE-82) <i>Registration form</i>	5 G/W
Proof of Birth Affidavit <i>Registration form</i>	5 G/W
Proof of Residency <i>Registration</i>	5 G/W
Student Registration Form	5 G/W
Birth Certificate (copy only) <i>Registration</i>	5 G/W
Checklist for Enrollment (created only at Student Registration)	5 G/W

Non Academic Documents

Record Type	Retention
Appeals (except discipline)	5 G/W
18-Year-Old Declaration	5 G/W
Refusal of ESOL Services - Parent Letter	5 G/W
Fine and Gross Motor Screening (IS/PHY ED-5)	5 G/W
Multipurpose Referral (SS/SE-5)	5 G/W

Record Type	Retention
Directory and Commercial Opt Out – only if in effect at graduation or withdrawal	75 G/W
Local Screening Committee Form (tests SS/SE-14 and 13, if needed may be moved to special education file)	5 G/W
Termination Information (either transcript showing graduation, or IT-2 or IT-110, whichever is appropriate.)	5 G/W
English Learner Student Assessment Participation Plan	5 G/W
ESOL Eligibility Student Assessment packet	5 G/W
ESOL Assessment Center SIS Update Form	5 G/W
Dual Language Assessment Report	5 G/W
Subpoenas (copy) see Chapter 5, Section XII.	CY

Legal File

Record Type	Retention
Court Orders including custody, protective, restraining	Superseded
Name Change	75 G/W

Recommended order for contents of cumulative file.

This is in order from front to back:

- Record of Disclosure of student scholastic records
- Most recent high school transcript
- High School Report Cards (12th grade first followed by 11th, 10th, and 9th, only needed for one year after the grades are shown on the transcript)
- High school transcripts from any previous schools attended unless recorded on FCPS transcript
- Middle school transcript (including transcripts from other school systems unless recorded on FCPS transcript)
- Elementary school transcript or year-end report cards if no elementary transcript (include transcripts from other school systems unless recorded on FCPS transcript)
- Opt out (from directory and/or commercial information) that was in effect when the student left FCPS
- Folder with Test Scores in the following order:
 - Test History Card from SIS (U-TST8502 printed with the “Display for Reporting” test content option selected)
 - Out of state test results

- Testing documents as required by assessment programs, such as parent refusals
- Health Folder (blue) with health information in the following order:
 - a. Annual Health Data
 - b. Cumulative Health Record
 - c. Individual Health Record
 - d. Medication Authorization ([SS/SE-63](#), [64](#), [65](#))
 - e. Physical examination from another school that is less than 5 years old
 - f. School entrance physical exam and immunization records
- Non-academic information in the following order (if applicable):
 - a. Activity record
 - b. 18 Year Old Declaration
 - c. Refusal of ESOL Services – Parent Letter
 - d. Any multipurpose referral forms and local screening forms that are not in a special education file
 - e. Withdraw forms
 - f. ESOL Eligibility Student Assessment Packet
 - g. ESOL Assessment Center SIS Update Form
 - h. Dual Language Assessment Report
 - i. Legal folder including any custody action, subpoenas (current year)
- Registration and withdraw forms in the following order:
 - a. Home language survey
 - b. Birth Certificate copy or Proof of Birth Affidavit
 - c. Residency Affidavit
 - d. Student Registration documents
 - e. Withdraw forms

TABLE 2: HEALTH FILE

Record Type	Retention
Clinic Card	5 G/W
Emergency Care Information (SS/SE-3)	Superseded
Health Information Form with no medical notes (SS/SE-71)	CY+1
Health Information Form with medical notes (SS/SE-71)	5 G/W (moved to blue health folder at end of each year)
Health Information Progress Notes (SS/SE-115)	5 G/W (moved to blue health folder at end of each year)
Individual Health Care Plans	5 G/W (moved to blue health folder at end of each year)
May Physical Fitness (batch file)*	CY (last copy 5 G/W (in blue health folder))
Medication Authorizations (SS/SE-63 , 64 , 65)	5 G/W (moved to blue health folder at end of each year)
Medication Chart (SS/SE-46)	5 G/W

Record Type	Retention
Screening records (vision, hearing (SS/SE-20), and scoliosis referral (SS/SE-203))	5 G/W
Test to Stay Parent/Guardian consent form	5 G/W
Mask Exemptions	5 G/W (moved to blue health folder at end of each year)
Covid Test Results, Return to School forms, Quarantine Exemption and Attestation forms	5 G/W (moved to blue health at end of each year)

TABLE 3: SPECIAL SERVICES FILE

Record Type	Retention
Record of Disclosure of Student Records	5 G/W
Referrals	5 G/W
Local Screening Committee Forms (decision to test)	5 G/W
Permission for Testing/Evaluation	5 G/W
Eligibility Committee Decisions	5 G/W

Evaluations and Assessments

Record Type	Retention
Social Case History	5 G/W
Psychological	5 G/W
Educational	5 G/W
Speech and Language	5 G/W
Other Related Service Evaluations	5 G/W
Vision	5 G/W
Hearing	5 G/W
Medical	5 G/W
Vocational	5 G/W
Confidential Reports from Other Agencies and/or Institutions and/or Professionals	5 G/W
Individual Education Programs (IEPs)	5 G/W
Educational and Career Planning Portfolio	5 G/W
Manifestation Determination Reviews	5 G/W

Homebound need to match with new retention period

Record Type	Retention
Application	Audit+5
Homebound Teacher Reports	Audit+5
Referral	Audit+5

Section 504 Records

Record Type	Retention
504 Plans and associated documents	5 G/W
504 Qualifications/Reevaluations	5 G/W
Evaluation Reports	5 G/W
Correspondence	5 G/W

TABLE 4: ADVANCED ACADEMIC RECORDS

Record Type	Retention
Parent Notification	5 G/W
Record of Differentiated Services for Level III	5 G/W
Referral Forms	5 G/W
Copy of Level IV Screening File	5 G/W

TABLE 5: DISCIPLINE FILE

Incident Report and/or Suspension

Documentation Related to Incidents that Resulted in Disciplinary Action up to and Including a Short-term Suspension

Record Type	Retention
Assault	5 years after incident
Disruptive or Inappropriate Behavior	5 years after incident
Alcohol, Tobacco, and Other Drug Violations	5 years after incident
Property Violations	5 years after incident
Weapons Violations	5 years after incident

Referral or Recommendation to Division Superintendent (Hearings Office)

Record Type	Retention
Packet submitted in support of the referral	5 G/W
Decision Letters	5 G/W

Records Review with Region Assistant Superintendent

Record Type	Retention
Packet submitted in support of the referral	5 G/W
Decision Letters	5 G/W

Attendance Referrals

Record Type	Retention
Court Petitions	5 G/W
Furlough Records	5 G/W
Referral(s) to Attendance Officer	5 G/W
Release from Compulsory Attendance	5 G/W

TABLE 6: PROTOCOLS AND ASSESSMENTS

Record Type	Retention
Psychological protocols (instrument, not results)	CY+3
Threat assessments	5 G/W
Suicide risk assessment	CY+ 3
Suicide risk assessment notification letters and meeting notes	5 G/W
Bullying and/or harassment	Last Action + 3
Title IX and other Civil Rights investigations	Closed + 3

TABLE 7: DUE PROCESS FILE (MAINTAINED AT DUE PROCESS AND ELIGIBILITY)

Record Type	Retention
Administrative Reviews	5 G/W
Mediation Record	5 G/W
Court Records	5 G/W
Decisions	5 G/W
Hearing Transcripts/Records	5 G/W
Support Documentation	5 G/W
Notices of Petition and Adjudication – Transfer to Discipline File if Applicable	If action taken: 5 G/W If no action taken: 5 years after incident
Federal and State Complaints	5 G/W

TABLE 8: RETENTION KEY

Retention periods are reprinted from the Records Management Manual (Regulation 6701)

Record Type	Retention
Retain 5 years after graduation or withdrawal	5 G/W
Retain 75 years after graduation or withdrawal	75 G/W
Retain 5 years after audit is conducted and closed	Audit+5
Retain for the current year	CY
Retain for the current year plus the number of additional years noted.	CY+ (1, 5, etc.)
Retain until the record is updated or replaced and destroyed.	Superseded
Retain until the record is updated or replaced. If not updated or replaced, retain until administrative purpose is complete and destroy.	Superseded/1
Remove from cumulative file and destroy	Purge
Permanent retention; record will be microfilmed 5 G/W. Place in the cumulative file.	P
Retain until no longer educationally useful but no longer than one year after graduation or withdrawal.	Educational Useful 1 G/W
Retain until administrative purpose is complete but no longer than three years.	ADM/3
Remove from cumulative file when the child is no longer missing or, if not resolved, retain 5 G/W.	Until Resolved
Retain 3 years after the final operational or procedural action taken as part of the assessment.	Last Action + 3
Retain until the investigation is closed plus 3 additional years.	Closed + 3

Appendix B -
Form for Use with Student Scholastic Records

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

Date

Re: _____

Dear (Parent or Eligible Student):

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

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

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

OR

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

You have the right to appeal this decision and request that a hearing be held by notifying, in writing, the Region (insert number) office. The request must identify:

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

Contact information for the Region (insert number) office is available at (insert website).

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

Sincerely,

(Name)
(Title)

Appendix C -
TEMPLATE: Letter to Parents Regarding Unauthorized Disclosure of pii

Sample Letter Notifying Parent of an Unauthorized Disclosure of Personally Identifiable Information (PII)

Date

Re: _____

Dear (Parent or Eligible Student):

We regret to inform you that on ___[date]___, a [insert issue]. Your student's information was impacted by this breach. The information disclosed included: [insert description of info disclosed].

We were made aware of this error on _____, and FPCS has [insert measures taken to remediate this breach, prevent in future]. The information shared is personally identifiable information that should not have been shared. FPCS is committed to safeguarding student privacy and confidential data and we have taken steps to ensure that this type of breach does not occur again. If you have additional questions or concerns, please contact [insert appropriate school contact & contact info].