

Notification of Rights Regarding Student Educational Records under FERPA

The **Family Educational Rights and Privacy Act (FERPA)** and the **Protection of Pupil Rights Amendment (PPRA)**, afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records and regarding surveys, collection and use of information for marketing purposes, and certain physical exams.

These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day the school division receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believe are inaccurate or misleading. Parents or eligible students may ask the Appomattox County School Division to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school division decides not to amend the record as requested by the parent or eligible student, the principal will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure to a school official with legitimate educational interests. A school official is a person employed by the Appomattox County School Division as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the division has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the division discloses education records without consent to current school officials of another school system or institution of post-secondary education where the student seeks or intends to enroll.

(4) A student's education record may be released without consent to an agency caseworker or other representative of a State or local child welfare agency when the agency or organization is legally responsible for the care and protection of the student.

(5) The principal of any public school may furnish the names, addresses, and telephone listing of students presently enrolled or who have terminated their enrollment to any recruiting official of the military forces of the Commonwealth and the United States, unless parents have advised the local education association that they do not want their students' information disclosed without their prior written consent.

(6) The Appomattox County Public School Division will transfer student records to requesting schools and is not required to provide a parent or guardian with written notice of the transfer. Appomattox County Schools may make public the following "Directory Information" unless the principal of the school the student attends is notified in writing by a parent or eligible student within 15 administrative days of annual publication of this information that the parent or eligible student objects to the following being designated as "Directory Information." a. Name of student in attendance or no longer in attendance; b. Address; c. Date and place of birth; d. Telephone listing; e. Participation in officially recognized activities and sports; f. Height and weight, if member of athletic team; g. Awards and honors received, h. Diploma and i. Dates of attendance.

(7) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school division to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605

(8) Consent before students are required to submit a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U. S. Department of Education (ED) – a. Political affiliations or beliefs of the student or student's parent; b. Mental or psychological problems of the student or student's family; c. Sexual behavior or attitudes; d. Illegal, anti-social, self-incriminating, or demeaning behavior; e. Critical appraisals of others with whom respondents have close family relationships; f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers; g. Religious practices, affiliations, or beliefs of the student or parents; or h. Income, other than as required by law to determine program eligibility.

(9) Receive notice and an opportunity to opt a student out of – a. Any other protected information survey, regardless of funding; b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

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

The Elementary Secondary Education Act (ESEA), as amended by NCLB, and 2002 Defense Reauthorization Act require local education associations to:

- give military recruiters the same access to secondary school students as provided to postsecondary institutions or to prospective employers;
- provide students' names, addresses, and telephone listings to military recruiters, when requested, unless a parent has opted out of providing such information.

Appomattox County Public Schools has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangement to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **Appomattox County Public Schools will directly notify parents and eligible students of these policies at least annually at the start of each school year** and after any substantive changes. Appomattox County Public Schools will also directly notify parents and eligible students at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in: Collection, disclosure, or use of personal information for marketing, sales, or other distribution, administration of any protected information survey, and any non-emergency, invasive physical examination or screening as described above.

It is the desire of the Appomattox County School Board to inform you of policies and regulations regarding the student's scholastic record and to apprise you of your rights relative to the record. You may obtain, upon request, a copy of the regulations governing management of the student's scholastic records. For additional information, please call the school guidance office or the principal's office.

Annual Notification of Rights and Responsibilities Under the IDEA and Section 504

The Individuals with Disabilities Education Improvement Act (IDEA), a federal special education law, and Section 504 of the Rehabilitation Act (Section 504), a federal anti-discrimination law, provide students with disabilities and their parents with certain rights with respect to receiving a free appropriate public education designed to meet the individual student's needs and abilities. Depending on whether a student with a disability is determined eligible under the IDEA or Section 504, the student would receive a free appropriate public education through regular or special education and/or related aids and services. These laws include the following rights to students with disabilities and their parents:

- To have the student with disabilities receive a free appropriate public education.
- To have students with disabilities educated with non-disabled students, to the maximum extent appropriate.
- To examine the student's educational records.
- To request an evaluation of their student for possible eligibility to receive services under IDEA or Section 504.
- To receive notice of the School Division's procedural safeguards.
- To request and participate in an impartial hearing.
- To request review of the outcome of an impartial hearing.

These laws require the School Division to:

- Undertake efforts to locate and identify eligible students with disabilities living in Appomattox County who are not receiving a free appropriate public education.
- To refer for possible evaluation any student of school age living in the School Division who a school staff member suspects may be disabled.
- Provide appropriate educational and school-related opportunities to students with disabilities in an inclusive setting to the maximum extent possible.
- To conduct a reevaluation of a student with a disability prior to any significant change in placement, which may include disciplinary action.
- Provide notice of the availability of services and types and location of services to nearby private schools, pediatricians, and the Health Department.
- Provide parents or guardians of students with disabilities with notice of their rights annually, and prior to their student's evaluation and placement, or any significant change in their student's placement.
- To develop and implement procedural safeguards with respect to actions regarding the identification, evaluation, and placement of students with disabilities.
- To provide parents or guardians with written notice of the School Division's procedural safeguards.

If you suspect that your student may have a disability affecting your student's development or academic performance, or may have a mental or physical impairment that substantially limits a major life activity, please contact an administrator at your student's school for further information.