

Fairfax County Public Schools
FERPA: Frequently Asked Questions:

1. *Do we follow the FERPA procedure, even if the parent request doesn't include the term FERPA? What if we just receive a request from the school for a copy of the cumulative file or sped file?*

Always follow the FERPA procedure, even if the request does not include the term "FERPA." This will document what has been provided to the family. If the family makes a FERPA request in the future, you will not have to submit the records that you already submitted.

2. *Do we have to copy all of the work samples, even if there are hundreds of pages?*

Yes.

3. *Do we need to submit clinical notes (psychologist or social worker)?*

Yes.

4. *Do we need to submit emails to/from the parent? Don't they already have those emails?*

Yes. You must submit all emails maintained by school staff pertaining to the target student, even if the emails were with the parent.

5. *What if the FERPA request does not include a start date?*

If there is no specific timeline given, contact the parent for clarification. At times, when there is no start date for the request, they are requesting documents for the entire time of FCPS enrollment. The end date for the request is always the date the parent made the request.

6. *Do the 45 days include weekends?*

Yes. You have 45 calendar days to produce any requested records.

7. *Do we need to submit documents such as personal notes or lessons left for substitute teachers?*

Sole possession notes, which are made by one person as an individual observation or recollection of a student, and are kept in the possession of the maker, are not subject to FERPA requests. Sharing the notes with another person, or placing them where they can be viewed by others makes the "educational records" and subject to FERPA. Since lessons left for substitute teachers have been shared (or were created with the intention of sharing), they are considered educational records and are subject to FERPA. Be sure to redact any identifiable information for other students.

8. *Do I need to submit text messages even if they are from my personal phone?*

Yes, per regulation 6410, attachment B page 2, employees are not permitted to use personal email accounts, or use personal devices such as tablets and smartphones to text or otherwise send or receive messages to carry out their job duties. Any messages received or stored on personal devices must be promptly forwarded to, or otherwise stored in an official FCPS account, device or on the FCPS network. No FCPS work products or other FCPS records, electronic or hard copy, may be stored at employees' homes, in personal PCs or other devices, or other places outside the control of FCPS. If a personal device is used, then it is subject to FERPA requirements.