

Ordinance 2024/25-69

Section 9-23.5. Annual Notification Requirement; retains records for seven years.

— A. Suffolk Public Schools shall annually notify parents and eligible students of their rights under the Federal Educational Rights and Privacy Act (FERPA) including:

- (a) the right to inspect and review the student's education records and the procedure for exercising this right;
- (b) the right to request amendment of the student's education records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedure for exercising this right;
- (c) 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 without consent;
- (d) the type of information designated as directory information, if any, and the right to opt out of release of directory information;
- (e) that the school division releases records to other institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- (f) the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- (g) a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- (h) the right to file complaints with the Family Policy Compliance Office of the Chief Privacy Officer in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

B. After a child with a disability graduates, ages out of, or otherwise leaves any public school, the school retains the special education records of the child for at least seven years. The school notifies the parents of each such child of the opportunity to obtain such records during the retention period. (Adopted February 9, 1999; Revised May 13, 1999; Revised June 13, 2013; Ordinance Number 12/13-129; Effective Date: July 1, 2013)

Legal Authority - Family Educational Rights and Privacy Act of 1974, 20 U.S.C.A. §1232g; 34 C.F.R. §99.1 *et seq.*, Va. Code § 22.1-289(I)