2011-12 Annual Notice

Survey, Records, Curriculum, Privacy, and Related Rights and Opt-Out Forms

Grades K-8 Edition

What's Inside

- 2011-12 Annual Notice of Survey, Records, Curriculum, Privacy, and Related Rights (pp. 2-3)
- 2011-12 Opt-Out Choices (pp. 4-8)
- 2011-12 Opt-Out Forms:
  - Objection to Release of Directory Information to the Public (p. 9)
  - School Counseling Opt-Out Form (p. 10)
  - Objection to Release of Information for Commercial Purposes (p. 11)

Who Should Read This Booklet?

All parents and guardians should review this booklet to understand their rights and responsibilities. Parents with children at different grade levels should read each applicable version of the booklet (K-8, 9-12) because the notices and opt-out rights vary depending on grade level.

Who Should Sign the Included Opt-Out Forms?

Any parent or guardian **who objects** to his or her child's participation in any or all of the following activities should complete and **return the appropriate form(s) to their child's school**.

- release of information about the student for the school yearbook and other school-related publications
- release of directory information about the student to persons and organizations outside FCPS
- use of the student's image, voice, or name in film, video, website, social media or broadcast events
- student participation in the school counseling program
- release of information for commercial purposes

Fairfax County Public Schools
Office of the Superintendent
8115 Gatehouse Road
Falls Church, VA 22042

2011-12 Annual Notice of Survey, Records, Curriculum, Privacy, and Related Rights

Parental Rights

The Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g, 34 CFR Part 99; Protection of Pupil Rights Amendment, 20 USC § 1232h, 34 CFR Part 98; Elementary and Secondary Education Act, 20 USC §§7165, 7908, and 10 USC § 503 provide certain notice, inspection, and participation rights to parents, students who are over age 18, and emancipated minors. This booklet provides you with information about those rights.

This booklet includes opt-out forms that you should submit to your child's school principal if you do not want your student to participate in a given activity. **If you have no objection to the activities described in this booklet, DO NOT sign or submit any of the forms.**

Surveys

Consent to Surveys: You have the right to consent before your student participates in any federally funded survey asking about any of the following: political affiliation or belief of the student or parent; mental or psychological problems of the student or family; sexual behavior or attitudes; illegal, antisocial, self-incriminating, or demeaning behavior; critical appraisals of others with whom student has close family relationships; legally privileged or analogous relationships such as those with lawyers, physicians, and ministers; religious practices, affiliations, or beliefs of student or parent; and income (other than required to determine program eligibility).

Survey Inspection and Opt-Out Rights: You have the right to inspect any survey dealing with the above topics, regardless of funding source, and to opt your student out of participation. You also may inspect instructional materials used in connection with such surveys.

Survey Schedule for 2011-12: As of this booklet's publication, FCPS is tentatively planning to administer a survey regarding student behaviors or beliefs in fall 2011. If a survey is initiated, parents will be notified and will have the opportunity to inspect the survey, as well as the opportunity to **opt-out** a child's participation at that time. All FCPS surveys protect student privacy. The current versions of FCPS Policy 1475 and Regulation 1475, which were developed in consultation with parents, provide more detail about survey policies.

Instructional Materials

Inspection of Instructional Materials: You have the right to inspect any instructional materials used as part of the educational curriculum. The current versions of FCPS Policies and Regulations 3002-3011 provide more detail about instructional materials. You may direct your request to inspect instructional materials to your child's principal.

Physical Examinations

Federal law requires that parents be permitted to opt the student out of certain physical examinations if the examinations are not authorized by state law. Except in emergencies, FCPS does not require any physical examinations that are not authorized by state law. Consequently, this booklet does not provide an opt-out form for physical examinations.

Student Records

Inspection of Student Records: You have the right to inspect all records relating to your student within 45 days of the school's receipt of your request. You should submit a request, identifying the records you want to inspect, to your student's principal. The principal will notify you of the time and place at which records may be inspected. You may be charged a fee if you request copies.

Amendment of Student Records: You have the right to request an amendment of any education records that you believe are inaccurate, misleading, or otherwise in violation of your child's privacy rights. You should write the school principal, clearly identify the part of the record you want to have changed, and specify why it is inaccurate, is misleading, or violates your child's privacy. If FCPS decides not to amend the record as requested, FCPS will notify you, advise you of your right to a hearing regarding the amendment request, and provide additional information regarding the hearing procedures.

Maintenance and Retention of Student Records: Student records are maintained in accordance with retention schedules established by the current versions of Policy 6470 and the FCPS Records Management Manual. Parents of students who are or have been enrolled in a special education program should be aware that your child's special education records will be maintained for five years after the student graduates, completes a Virginia Board of Education program, transfers, or withdraws from school, whichever comes first. After five years, these records will be destroyed. Because information from such records may be needed by the student or the parents for Social Security or other benefits, parents should plan accordingly to request copies of any needed records.

Commercial Use of Student Information: FCPS collects personal information on students, including names, addresses, and other information identified as directory information, and discloses this information to certain businesses that provide student-based products or services. For students in grades K-8, these student-based products or services include enrollment and degree verification services. If you do not want your child's personal information disclosed for commercial purposes, complete the opt-out form on page 11. Your selection is for the 2011-12 school year and applies only to the 2011-12 school year. If, however, your child withdraws or graduates from FCPS, FCPS will continue to honor the last opt-out selection you made while your child attended FCPS unless you notify FCPS that your choice is rescinded.

Disclosure of Student Records: You have the right to consent before FCPS discloses personally identifiable information from your student's education records, unless federal law or state law specifically authorizes release without consent. Student records are released without parental consent only in accordance with the provisions of FERPA and the current versions of Policy 2701 and Regulation 2701. The FCPS Management of Student Scholastic Record Manual and the current version of Regulation 2601 (Student Rights and Responsibilities [SR&R] booklet) provide more detail about student record policies.

Please note that consent is not required for disclosures to school officials with legitimate educational interests. A school official is a person employed by FCPS such as an administrator, a supervisor, an instructor, or a support staff member (including school education and resource officers, school nurses, clinic room aides, and other Health Department personnel providing services to students as part of the school program); a person serving on the School Board; a person, organization, or company with whom FCPS has contracted to perform a special task (such as an attorney, an auditor, a medical consultant, or a therapist); or a parent or another volunteer serving on an official committee or helping another school official perform his or her tasks. "Legitimate educational interest" means the need to review the record in order to fulfill a professional responsibility.

Consent also is not required to release education records to officials of another school or school division if your child enrolls there or seeks or intends to enroll there. FCPS forwards such records at the request of the other school or school division. Parents with questions about FCPS' student records procedures should contact the FCPS Office of School Counseling, 571-423-4420.

2011-12 Opt-Out Choices

Directory Information: Federal law permits the disclosure of "directory information" from a student's record without the parent's prior written consent—unless the parent has opted out of such disclosure. **Directory information is routine information that is generally not considered harmful to disclose.** Consequently, unless you have opted out, this kind of information may be included in school publications and disclosed to outside requesters. **FCPS defines "directory information" as including (but not limited to):**

- Name, including nickname.
- Participation in officially recognized activities and sports.
- Height and weight, if a member of an athletic team.
- Attendance record.
- Degrees, awards, and honors.
- School and grade.
- Photographs and other images that feature the student.
- Name of parent or guardian or individual with whom student lives.
- Birth date.
- Student gender and primary or home language (for limited purposes only–see below).
- Address and phone number (for limited purposes only–see below).

Please note that, in certain situations, federal and state laws may permit or require the disclosure of the information listed above to authorized persons or entities **even if you have opted out of its disclosure** as "directory information." For example, state and federal laws authorize disclosures without parent consent to the U.S. and Virginia Departments of Education to allow those agencies to evaluate FCPS compliance with program requirements.

Public disclosure of directory information may be made in various ways. The information items designated as directory information may be provided to requesters outside FCPS, for example, the media, school-related organizations such as PTAs and booster organizations, and state and county agencies.

Directory information also may be included in FCPS publications that frequently are made available to the public, such as:

- School yearbooks (photos).
- Team rosters and class lists.
- Graduation, theater, athletic, and music programs.
- Videos of performances, school activities, and athletic events.
- Articles about school activities and athletic events.
- Lists of those receiving honors, awards, and scholarships.

Please note that directory information items that FCPS has designated as "for limited purposes" may be disclosed only to certain identified organizations within the community; if you opt out of the disclosure, the information will not be provided at all unless you provide written consent or the disclosure is otherwise authorized by federal or state law. Please see choices A and B of the Limited Opt-Out Options on page 9 for more information.

Your Right to Opt Out of the Disclosure of Directory Information

Directory information may be made available to the general public (including the media) unless you complete the opt-out form on page 9 and return it to the school principal. **Your selection is for the 2011-12 school year and applies only to the 2011-12 school year.** If, however, your child graduates or withdraws from FCPS, FCPS will continue to honor the last opt-out selection you made while your child attended FCPS unless you notify FCPS that your choice is rescinded.

Your options to limit all or some disclosures of directory information are explained below. Please note that if you want your child to be included in the school yearbook or graduation program, **DO NOT choose the Comprehensive Opt-Out Option**. Your selection of any of the Limited Opt-Out Options will not affect your child's inclusion in the school yearbook or graduation program; it will only limit the specific disclosures described.

Directory Information Opt-Out Options (Comprehensive and Limited)

1. Comprehensive Opt-Out Option: Withhold all directory information about your child. This means that FCPS will not provide the information items defined as directory information to any requester outside FCPS (including school-related organizations, such as PTAs and booster organizations, state and county agencies, and commercial users) unless the disclosure is otherwise allowed by federal or state law. This also means that information directly related to or featuring your child will be excluded from school publications available to the public, **including school yearbooks**, **graduation programs,** award lists, photographs, and video productions. Please note that by choosing the Comprehensive Opt-Out Option, you are opting out of the disclosures described in choices A, B, and C of the Limited Opt-Out Options, as well as the Objection to Release of Information for Commercial Purposes.

2. Limited Opt-Out Options: Unless you select the Comprehensive Opt-Out Option, the information items defined as directory information may be provided to requesters outside FCPS and may be included in school publications available to the public, including school yearbooks, award lists, photographs, and video productions. Please note that this also means that the directory information items identified as "for

limited use" (student gender, primary or home language, address, and phone number) may be disclosed to the organizations identified in choices A and B below. If you do not want these organizations to receive these additional items of directory information, please select choice A or B, or both. Choice C allows you to exclude information directly related to your child from photographic productions and other types of FCPS-sponsored publicity.

- **Choice A.** Unless you opt out, FCPS may provide student addresses and phone numbers to PTAs, booster organizations, and other school-related organizations. Typically, those organizations use such information to publish student directories (either electronic or paper) and to contact your family about school-related activities. **Check choice A if you do not want your child's address or phone number to be provided to school-related organizations.**

- **Choice B.** Unless you opt out, FCPS may provide information about your child's gender, primary or home language, address, and phone number to state and county agencies if FCPS determines that such information will help provide services to students or the school community. **Check choice B if you do not want state and county agencies to receive this type of directory information about your child.**

- **Choice C.** FCPS produces and participates in television, video and audio recordings, websites, social media (such as Facebook) and still photograph productions that may use your child's name, likeness, or voice. Such productions may be sold or used for educational purposes and may be copyrighted, edited, and distributed by FCPS. **Check choice C if you do not want your child's image, name, or voice featured in such productions.** (**The selection of choice C will not exclude your child from the school yearbook.**)

Please note that the Comprehensive Opt-Out Option and choice C apply to limiting FCPS disclosure of photos featuring your child that are maintained by FCPS.

FCPS does not control the disclosure or use of photographs or video taken by participants at events that are open to parents, community members, and/or the media. These activities and events include, but are not limited to, school performances, graduation and awards ceremonies, class parties, and athletic events. To the extent that FCPS controls media access during school hours, it will deny the media access to photograph, video record, or broadcast likenesses of any student whose parents have selected the Comprehensive Opt-Out Option or choice C.

Regardless of whether you select the Comprehensive Opt-Out Option or choice C, your child may be photographed or video recorded by FCPS staff members or by vendors working for FCPS for use within FCPS for FCPS education-related activities, for example, student identification pictures or video recordings of classroom activity used for teacher training or student evaluation purposes. If you have opted out, however, any photograph or video recording featuring your child that is maintained by FCPS will not be released to anyone who is not an FCPS school official unless you have provided written consent or the release is otherwise authorized by federal or state law.

School Counseling

School counseling programs are provided in Fairfax County Public Schools (FCPS) in compliance with the regulations of the Virginia Board of Education and Fairfax County School Board policy. The school counseling program is part of the comprehensive education provided to all students through activities that focus on teaching positive approaches to school and lifelong learning and the knowledge and skills for life and employment. It includes:

- **Academic counseling**, which helps students and their parents or guardians to acquire knowledge of the curriculum choices and testing and choose appropriate courses leading to graduation and a transition to college, career, and other educational opportunities.

- **Career counseling**, which helps students to acquire information and skills in order to plan for work, jobs, apprenticeships, and postsecondary educational and career opportunities.

The school counseling program also helps students develop an understanding of themselves and of the rights and needs of others; learn to resolve conflicts; and set individual goals reflecting their interests, abilities, and aptitudes. Personal or social counseling may be provided in large groups (e.g., all ninth graders) in which general issues of social development are addressed or in structured individual or small-group multisession counseling that focuses on the specific concerns of the participant(s). Parents or guardians shall receive written notification of short-term personal or social counseling of a small group nature. Parental or guardian consent is not required for short-term personal or social counseling and/or crisis intervention that is needed to maintain order, discipline, or a productive learning environment.

You may excuse your child from academic, career, or personal or social counseling at any time by completing the opt-out form on page 10. An opt-out request will remain in effect from the day it is received by the school throughout the student's K-12 career in FCPS unless the opt-out request is rescinded by the parents or guardians in writing. A parent or guardian who opts to have their child excused from academic or career counseling shall have sole responsibility to ensure that all academic and graduation requirements are fulfilled.

Parents or guardians may review materials to be used in school counseling programs at their children's school by contacting the school counselor. Information can also be found on the FCPS website at **http://www.fcps.edu/is/schoolcounseling/index.shtml**.

Complaints

If you have a complaint regarding any of the above rights, you may contact the school principal, following the complaint procedure in the Student Rights and Responsibilities booklet (the current version of Regulation 2601). If you have a complaint regarding the treatment of your child's education records, you may contact the Office of School Counseling at 571-423-4420. In addition, if you believe that your rights in regard to surveys, educational materials, commercial use of information, physical examinations, military recruiters, inspection or amendment of student records, directory information, or privacy of student records have been violated, you may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605.

School Board Policies, Regulations, and Commonly Used Forms

How to Access Policies and Regulations: All School Board policies and regulations, including the Student Rights and Responsibilities booklet, are available on the FCPS website. To locate them, go to **www.fcps.edu** and click on School Board. A search mechanism, including a topical, alphabetical, and numerical index, is provided. If you do not have Internet access and would like a print copy of any policy or regulation, please direct your request to your child's school principal.

Additional Information and Forms: If you want to inspect any of the materials described in this notice, please contact your child's school principal. For more information about the forms, contact your child's school. If you need more than one form, photocopy the form or go to **www.fcps.edu**, then click on Forms, then scroll down to Opt-Out Booklets.

Objection to Release of Directory Information to the Public (details p. 5)

Grades K-8

Student's Name: _____ School Name:_____

You have the right to choose whether your student's directory information is released or not. If you want to limit the disclosure of directory information about your child, please check the appropriate choice(s) below and **return this form to your student's school**. **This selection is for the 2011-12 school year and applies only to the 2011-12 school year.** If, however, your child graduates or withdraws from FCPS, FCPS will continue to honor the last opt-out selection you made while your child attended FCPS unless you notify FCPS that your choice is rescinded.

_____ **Comprehensive Opt-Out Option**: **Do not release any directory information about my child.** I understand this means that information about and photographs featuring my child will be **excluded** from school documents that typically are made public, such as **yearbooks, graduation programs, honor roll and other recognition lists, sports activities, and theatrical programs**. It also means that directory information about my child will not be released to school-related organizations, such as PTAs and booster organizations, to state and county agencies, or to commercial users unless I provide written consent or the disclosure is otherwise authorized by federal or state law. In addition, my child will not be featured in any television, video or audio recording, broadcast, web site, social media, or still photograph production produced by and available to the public from FCPS or (to the extent that access is within FCPS control during school hours) the media.

By choosing the option above, you have automatically selected all three choices below. You do not need to proceed to the limited opt-out options section.

Limited Opt-Out Options: You **may release** directory information about my student, **except** (check any or all below):

_____ **Choice A**. You **may not** provide address and telephone information to PTAs, booster organizations, and other school-related organizations.

_____ **Choice B**. You **may not** provide information about my child's gender, home or primary language, address, and telephone number to state and county agencies.

_____ **Choice C**. You **may not** feature my child's name, likeness, or voice in any television, video or audio recording, broadcast, website, social media, or still photograph production that will be produced by and available to the public from FCPS or (to the extent that access is within FCPS control during school hours) the media. (**This choice does not exclude your child from the yearbook.**)

Please note that, in certain situations, federal and state law may permit or require the disclosure of the information listed above to authorized persons or entities even if you have opted out of its disclosure as "directory information."

STOP! Do not sign below unless you have read and understand the choices above.

Parent Signature **Date**

_____ _____

School Counseling Opt-Out Form (for details see page 7)

Complete and **return this form to your child's school principal** only if you **DO NOT** want your child to participate in an aspect of the school counseling program.

A request to opt out of counseling **will become effective on the day it is received by the school and will remain in effect throughout the student's K-12 career in FCPS**, unless the opt-out request is rescinded by his or her parent in writing.

I request that my child _____, in grade _____, **NOT** participate in the following:

_____ Academic counseling that is provided by his or her school.

_____ Career counseling that is provided by his or her school.

_____ Personal or social counseling that is provided by his or her school.

I understand that parental permission is not required for counseling and/or crisis intervention that is needed to maintain order, discipline, or a productive learning environment. I understand that, in opting to have my child excused from academic or career counseling, I shall have sole responsibility to ensure that all academic and graduation requirements are fulfilled.

Signature of parent or guardian: _____

Date: _____

Student's name: _____
(please print)

Student's school: _____
(please print)

Objection to Release of Information for Commercial Purposes

(details on page 3)

(If you wish to opt your child out of the release of information for commercial purposes, complete this form **and return it to your child's school**.)

Student's name: _____ School name: _____

Regarding: (student's name–please print)_____

I object to the release for commercial purposes of personal information about my child, including name, address and other information identified as directory information. This means that FCPS will not provide my child's personal information to companies offering student-based products or services including enrollment and degree verification services.

I understand that my selection is for the 2011-12 school year and applies only to the 2011-12 school year. I also understand that if my child withdraws or graduates from FCPS, FCPS will continue to honor the last opt-out selection I made while my child attended FCPS unless I notify FCPS that I am rescinding my choice.

Parent Signature **Date**

_____ _____