# Superintendent’s Memo #130-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: May 29, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: FERPA in Online and Remote Settings

The Virginia Department of Education recognizes that instructional delivery methods and school administrative processes have necessarily evolved in the best interest of health and safety during the COVID-19 pandemic. However, school divisions should remain aware that the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), or FERPA, and other applicable federal and state laws for the protection of a student’s personally identifiable information and maintenance of student education records remain in effect even in virtual and remote settings.

The U.S. Department of Education (USED) has provided guidance and a number of resources in helping to navigate FERPA in online and remote settings. An overview of FERPA can be found on the [USED page for protecting student privacy](https://studentprivacy.ed.gov/node/548/). Specific to FERPA and COVID-19, USED has also provided educational institutions with the following:

* [Frequently Asked Questions on FERPA and COVID-19](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20and%20Coronavirus%20Frequently%20Asked%20Questions.pdf);
* [FERPA and Virtual Learning Resources](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20%20Virtual%20Learning%20032020_FINAL.pdf); and
* [FERPA and Virtual Learning PowerPoint](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPAandVirtualLearning.pdf).

Please consult with your local school board attorney if you have questions or concerns about school division practice and compliance with FERPA. You may also contact USED’s [Student Privacy Policy Office](https://www2.ed.gov/policy/gen/guid/fpco/index.html). For any questions on student education records and privacy in Virginia statute or regulation, you may contact the Office of Policy, policy@doe.virginia.gov or (804)225-2092.

JFL/lms