

{Today's Date}

Dear {Name},

I am the parent and legal guardian of {Child's Name and Current Grade}, a minor residing in {Your City and/or County} who attends a {Name of School in School District} ("the District") school. Given the increased amount of reliance by the District on Educational Technology vendors, contractors and/or consultants (cumulatively "Vendors") to provide remote (virtual) learning to students, I've grown increasingly concerned about my child's privacy and the amount of personal information being disclosed by the District and in the possession of those Vendors. As such, I'm requesting access to any and all personally identifiable information ("PII") (as defined in **34 CFR Sec. 99.3**) in the possession of the District's Vendors.

Pursuant to the **Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec. 1232g**, I write to request a copy of all 2019-20 and 2021 – present school year "Education Records" (as defined below) relating to the above-named child in the possession of any Vendors — whether a software or web-based program, app with data stored in the Cloud, or hardware (*i.e.*, Chromebook or iPad) service — where the District:

- entered an agreement with said Vendor through an individual contract, Terms of Service or other legal instrument, authorizing the Vendor to act as a "School Official" as defined under FERPA;
- relies upon the Vendor for provision of an institutional service or function for which the District would otherwise use employees (namely to provide in-person and/or remote, virtual education/learning); and
- provided my child's PII to said Vendor to set up the account, and/or PII was provided by my child or the District to the Vendor, as part of the educational service provided on behalf of the District;

in which case the District is required to have "direct control" over that Vendor and is therefore responsible for any and all Education Records in that Vendor's possession.

For the sake of clarity, **this request includes, but is not limited to, {identify specific services used in your district here, e.g., Google, Zoom, Canvas/Instructure, Classroom Dojo, Kahoot, Quizlet, Remind, Edmodo, FlipGrid, Parlay, Seesaw, Schoology, OneNote, NearPod, Microsoft Teams, Naviance, and Go Guardian}**, all of which are relied upon by the District for provision of the institutional service of in-person and/or remote/virtual learning, for which the District would otherwise use employees.

For purposes of this request, "**Education Records**" is defined as it is defined in **34 CFR Sec. 99.3**, and thus **includes** e-mails, notes, memoranda, video, audio, or other documents/material maintained by Vendor *in which my child is personally identifiable* (PII), as well as any metadata generated or collected by Vendor relating to my child's use of the Vendor's service(s), which are by definition maintained by the Vendor "acting for" and on behalf of MCPS.

To be clear, the Education Records being requested **also include all browsing history and other metadata collected by Vendor relating to my child**, as held by Vendor, to include all log-in and log-outs (and the IP address information for each, along with the corresponding dates and times), as well as the device fingerprint captured for each log-in (device fingerprint referring to information captured

about the browser used, operating system, location, and language settings, etc., commonly captured by a server upon logging in, as associated with my child).

As a point of further clarification, this request seeks ALL Education Records pertaining to my child, even if they are solely in the possession of the Vendor and the school doesn't have direct electronic access to such records and needs to contact the Vendor to secure access to such records in order to provide them to me.

Pursuant to FERPA (**34 CFR Sec. 99.32**), this request also includes a request for all records relating to disclosure of any of my child's PII by the Vendor, for any purpose, to include the names and addressed to whom disclosed, and the purpose/reason for such disclosure, regardless of the purpose of such disclosure (e.g., whether for marketing, to improve the Vendor's own service, disclosure by Vendor to other entities in performance of the Services, etc.).

As FERPA *prohibits the imposition of a fee to review documents* (**34 CFR Sec. 99.11(b)**), please prepare and arrange a time and method for me to review and copy these Education Records. Given the ongoing pandemic, and the focus on maintaining social distancing, I'd be happy to review all responsive documents and records through a secure log-in/portal, to receive an encrypted copy of these records through email, or through some other mutually agreeable, secure method enabling my review.

Per **34 CFR Sec. 99.10(b)**, I request that these records be shared with me ***within 45 days of this request***.

Finally, should you redact any portion of any of the "Education Records" document, please provide a *written explanation for the redaction including a reference to the specific statutory exemption(s) upon which you rely*.

Thank you in advance for your assistance with this request.

Sincerely,

{PARENT NAME,

PARENT EMAIL ADDRESS,

PARENT MAILING ADDRESS}