

## STUDENT RECORDS

### Generally

The Tazewell County School Board maintains accurate and complete records for every student enrolled in the public schools in accordance with all federal and state laws.

The superintendent and/or his designee(s) is responsible for the collection of data, record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The superintendent also provides for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of this policy.

### Definitions

For the purposes of this policy, the Tazewell County Public Schools uses the following definitions.

Authorized representative – any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 CFR § 99.31(a)(3) to conduct, with respect to federal- or state-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Directory information - information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational institution attended. Directory information may not include the student's social security number. Directory information may include a student identification number or other unique personal identifier used by a student for accessing or communicating in electronic systems if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user or a student ID number or other unique personal identifier that is displayed on a student ID badge, if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity such as a PIN or password or other factor known or possessed only by the authorized user.)

Early childhood education program – a Head Start program or an Early Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children’s cognitive, social, emotional, and physical development and is a state prekindergarten program, a program under section 619 or Part C of the Individuals with Disabilities Education Act, or a program operated by a local educational agency.

Education program - any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Education records - any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the Tazewell County School Board or an agent of the school division which contains information directly related to a student, except

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record;
- records created and maintained for law enforcement purposes by the Tazewell County School Board’s law enforcement unit, if any. A law enforcement unit is any individual, office, department, or division of the school division that is authorized to enforce any local, state, or federal law, refer enforcement matters to appropriate authorities or maintain the physical security and safety of the school division;
- in the case of persons who are employed by the Tazewell County School Board but who are not in attendance at a school in the division, records made and maintained in the normal course of business which relate exclusively to the person in his capacity as an employee;
- records created or received after an individual is no longer in attendance and that are not directly related to the individual’s attendance as a student;
- grades on peer-graded papers before they are collected and recorded by a teacher; and
- any electronic information, such as email, even if it contains personally identifiable information regarding a student, unless a printed copy of the electronic information is placed in the student’s file or is stored electronically under an individual student’s name on a permanent and secure basis for the purpose of being maintained as an educational record. For purposes of this policy, electronic information that exists on a back-up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.

Eligible student - a student who has reached age 18.

Parent - a parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Student - any person who is or has been in attendance at Tazewell County Public Schools regarding whom the school division maintains education records or personally identifiable information.

## Dissemination and Maintenance of Records About Court Proceedings

### Adjudications

The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G. contained in a notice received pursuant to Va. Code § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

A parent, guardian, or other person having control or charge of a student, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 received by a superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260, the notice shall become a part of the student's disciplinary record.

Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in Va. Code § 22.1-253.13:4.

### Petitions and Reports

The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to Va. Code § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

- If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department

which sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.

- Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel within the division. The principal may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.
- If the superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

#### Annual Notification

The school division annually notifies parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) including

- the right to inspect and review the student's education records and the procedure for exercising this right;
- 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;
- 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;
- the type of information designated as directory information and the right to opt out of release of directory information;
- 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;
- 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;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

## Procedure to Inspect Education Records

Parents of students or eligible students may inspect and review the student's education records within a reasonable period of time, which shall not exceed 45 days, and before any meeting regarding an IEP or hearing involving a student with a disability. Further, parents have the right to a response from the school division to reasonable requests for explanations and interpretations of the education record.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or appropriate school official) will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

## Copies of Education Records

The Tazewell County Public Schools will not provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review the records.

## Fees for Copies of Records

The fee for copies will be 10¢ per page. The actual cost of copying time and postage will be charged. The Tazewell County Public Schools does not charge for search and retrieval of the records. The Tazewell County Public Schools does not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

## Types, Locations, and Custodians of Education Records

The Tazewell County Public School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types of records that the Tazewell County Public Schools maintain, their locations, and their custodians.

- A. Information required to be collected for all students:
  - 1. Name and address of students
  - 2. Birth date and birth certificate serial number

3. Name and address of parent
4. Scholastic work completed
5. Grades and Grade Point Average
6. Class rank
7. Standardized achievement/aptitude test scores; literacy results; required by state or county
8. Attendance record
9. Certificate of Immunizations
10. Record data disclosure form
11. Program of studies plan (class schedule)
12. Type of diploma earned
13. Disciplinary Record
14. Parental Notification Form (re: Literacy Testing Program)
15. Student I.D. or Social Security Number (or waiver form)
16. Driver's Education certificate
17. Citizenship status, if other than U.S.
18. Cumulative health record, including pre-school physical examination report and school entrance examination report
19. Notice of School Status
20. Signed "Statement of Acknowledgment of the Code of Student Conduct"

B. Information shall be collected for certain students requiring differentiated programs and /or special services such as special education and Section 504 and shall be maintained in the student's education record. The following information shall be collected for these students:

1. Social histories
2. Legal, psychological, and medical reports
3. Records of sensitive physical problems
4. Verified reports of serious or recurrent atypical behavior patterns
5. Reports from institutions and agencies such as juvenile court, social welfare, etc.
6. Counselor or teacher case studies
7. Confidential interview and/or recommendations
8. Vocational assessment data
9. Disciplinary records (see policy 6-18-2004)
10. Notice of student's school status (expulsion statement required upon enrollment)
11. Reports of assessment – both initial and periodic, including:
  - a. Educational assessment
  - b. Physiological assessment, to include medical examination and assessment of speech, hearing, and vision
  - c. Psychological assessment
  - d. Sociocultural assessment, including the adaptive behavior checklist
  - e. Other assessments
  - f. Forms referring pupils to the Division of Instruction
12. Other pertinent report, including:
  - a. Permission for testing
  - b. Summary of eligibility committee findings
  - c. Permission for placement

- d. Record of parent conference to discuss special education placement
  - e. Record of placement committee recommendations for placement
  - f. Permission for release of information, if appropriate
  - g. Reports of annual review of placement
  - h. Reports of appeals, if appropriate
13. Individualized Education Program (IEP)
14. Student Education Plan

#### Disclosure of Education Records

The Tazewell County Public Schools discloses education records or personally identifiable information contained therein only with the written consent of the parent or eligible student except as authorized by law. Exceptions which permit the school division to disclose education record information without consent include the following.

1. To school officials who have a legitimate educational interest in the records.  
A school official is:
  - a person employed by the School Board
  - a person appointed or elected to the School Board
  - a person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
  - a contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education recordsA school official has a legitimate educational interest if the official is:
  - performing a task that is specified in his or her position description or by a contract agreement
  - performing a task related to a student's education
  - performing a task related to the discipline of a student
  - providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
  - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
  - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
  - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
  - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:



- the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
  - the parties to whom the division disclosed the information.
11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
  12. Directory information so designated by the school division.
  13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

The school division will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

#### Unauthorized Disclosure of Electronic Records

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation federal or state law applicable to such information, the school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

#### Disclosure to Federal Agencies

Notwithstanding any other provision of law or policy, no member or employee of the Tazewell County School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

#### Disclosure of Information Relating to Home Instructed Students

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B 1 of Va. Code § 22.1-254. However, the superintendent or School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

## Audit or Evaluation of Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connection with an audit or evaluation of federal- or state- supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the individual or entity as an authorized representative;
- specifies the personally identifiable information to be disclosed, specifies that the purposes for which the personally identifiable information is disclosed to the authorized representative is to carry out an audit or evaluation of federal- or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31(a)(3) including a description of how the personally identifiable information will be used;
- requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
- specifies the time period in which the information must be destroyed; and
- establishes policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally identifiable information from further disclosure and unauthorized use, including limiting use of personally identifiable information to only authorized representatives with legitimate interests in the audit or evaluation of a federal- or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

## Military Recruiters and Institutions of Higher Learning

The Tazewell County Public Schools provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student.

The school division notifies parents of the option to make a request and complies with any request.

The school division provides military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

## Record of Disclosure

The Tazewell County Public Schools maintains a record, kept with the education records of each student, indicating all individuals (except school officials who have a legitimate educational interest in the records), agencies, or organizations which request or obtain access to a student's education records. The record will indicate specifically the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

The requirements related to records of disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 2331 or other acts listed in 18 U.S.C. § 2332b(g)(5)(B).

Personal information will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party permits access to information, or fails to destroy information, the division will not permit access to information from education records to that third party for a period of at least five years.

## Directory Information

The Tazewell County School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

No school discloses the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) or the Virginia Freedom of Information Act unless the parent or eligible student affirmatively consents in writing to such disclosure.

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier, or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

Directory information is information that is generally not considered harmful or an invasion of privacy if released. It can be disclosed to outside organizations without a parent's prior

written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three (3) directory information categories - - names, addresses and telephone listing - - unless the parent has advised the LEA that they do not want their child's information disclosed without their prior consent.

TAZEWELL COUNTY Public Schools will release directory information without prior written consent unless the parent or guardian or eligible student informs the principal in writing that any or all of the information designated below should not be released without prior consent.

- Student's name, address, date of birth, dates of enrollment, photograph
- Parent or guardian's name and address;
- Student's grade level classification;
- Student's participation in recognized school activities and sports;
- Weight and height of member of athletic teams;
- Student's diplomas, certificates, awards and honors received.

#### Correction of Education Records

The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows.

1. Parents or the eligible student must request in writing that the Tazewell County Public Schools amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
2. Tazewell County Public Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Tazewell County Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
4. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. Tazewell County Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.

7. If Tazewell County Public Schools decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If Tazewell County Public Schools decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

#### Confidentiality of HIV and Drug and Alcohol Treatment Records

The Tazewell County Public Schools complies with the confidentiality requirements of Va. Code § 32.1-36.1 providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school division maintains confidentiality of drug and alcohol treatment records as required by federal and state law.

Adopted: September 10, 2018

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Legal Refs.: 18 U.S.C. §§ 2331, 2332b.  
20 U.S.C. §§1232g, 7908.  
42 U.S.C. § 290dd-2.  
34 C.F.R. 99.3, 99.7, 99.10, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37.  
Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-254.1, 22.1-287, 22.1-287.01, 22.1-287.02, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-36.1.

Cross Refs.: IJ Guidance and Counseling Program  
JEC School Admission  
JEC-R School Admission  
JECA Admission of Homeless Children  
JFC Student Conduct  
JGDA Disciplining Students with Disabilities  
JGD/JGE Student Suspension/Expulsion  
JHCB Student Immunizations  
JHCD Administering Medicines to Students  
JOA Student Transcripts  
JRCA School Service Providers' Use of Student Personal Information  
KBA-R Requests for Information

KBC	Media Relations
KNB	Reports of Missing Children
KP	Parental Rights and Responsibilities
LBD	Home Instruction
LEB	Advanced/Alternative Courses for Credit

## STUDENTS

Student RecordsGenerally

All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws and regulations, school board policies JO and its sub-sections. Strict adherence is considered a condition of continuing employment by the school board.

No statement in this regulation or its subsections shall be construed by employees as negating their responsibility for reporting child abuse or neglect cases as required by Code of Virginia, § 63.1-248.3 and school board policy JHG.

Student records shall be maintained in accordance with Guidelines for the Management of the Student's Scholastic Record in the Public Schools of Virginia (Revised 2004).

## STUDENTS Student Records: Definitions

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Access to Records": see definition of Disclosure.

"Days" are specified as either calendar days" or "administrative working days". "Administrative Working Days" mean days exclusive of Saturdays, Sundays, and officially designated holidays of the local school division. "Calendar Days" mean consecutive days, inclusive of Saturdays, Sundays, and officially designated holidays at the local school division level. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday or school holiday, the period of time of taking such action under this procedure shall be extended to the next day, not a Saturday, Sunday or school holiday.

"Destruction" means physical destruction or the removal of personal identifiers from information so that information is no longer personally identifiable.

"Disclosure" means permitting access or the release, transfer, or other communication of education (scholastic) records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

(i) Disclosure, through access, means the right to inspect, review and copy.

(ii) Disclosure, through release, means the surrender of specific information, orally or in writing, or electronically, upon receipt of a proper request.

(iii) Disclosure, through transfer, means the surrender of the entire record when transfer occurs within a local school division. It may also mean the surrender of a transcript of the record when transfer occurs between local school divisions or between a local school division and a postsecondary institution or another educational agency or institution.

"Educational Records": see definition of Scholastic Records.

"Eligible Student" means a student who has attained 18 years of age or is attending an institution of postsecondary education. The permission or consent required of and the rights accorded to parents relative to scholastic records shall be accorded to these students.

(continued)



## STUDENTS

## Student Records: Definitions (continued)

"Financial Aid" means payment of funds provided to an individual, or a payment in kind of tangible or intangible property to the individual, which is conditioned on the individual's attendance at an educational agency or institution.

"Identification Number" means a student's identification number assigned to each student whose Social Security Number is not being used to identify the student.

"Local Education Agency"; or "LEA" means the local school division or other public agencies responsible for providing educational services to students.

"Parent" includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. An educational agency or institution may presume the parent has the authority to exercise the rights inherent in the Act unless the agency or institution has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.

"Participating Agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained.

"Party" means an individual, agency, institution or organization.

"Personally Identifiable Data" means (i) name of student; the student's parent(s), or other family member; (ii) the address of the student; (iii) Personal identifier, such as the student's social security number or student number; (iv) a list of personal characteristics which would make it possible to identify the student with reasonable certainty; (v) other information which would permit reasonably certain identification of the student.

"Public Notice" means the process by which certain information is made available to the general public. Public notice procedures may include, but not be limited to, newspaper advertisements, radio announcements, television features and announcements, handbills, brochures and other methods which are likely to succeed in providing information to the public.

"Release of Data from Records": see definition of Disclosure

(continued)

(2)

## STUDENTS

## Student Records: Definitions (continued)

"Scholastic Records"; identified in federal legislation as "education records", means those records that are

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

The term does not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

Such information or data may be recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, and microfiche. Such records are classified in two categories:

"Category I (Scholastic)" means continuous and current records of significant factual information pertinent to the educational growth and development of individual students as they progress through school.

"Category II (Confidential)" means reports written by professional staff of the local school division for the express use of other professionals within the local school division; appropriate confidential information from the records of such cooperating individuals or agencies as psychiatrists, child welfare agencies, hospitals, or juvenile courts; and other confidential information.

"Student" means any individual for whom the LEA maintains scholastic records. The term does not include an individual who has not been in attendance at an LEA.

"Substitute" means an individual who performs on a temporary basis the duties of the individual who made the record.

"Third Party" means any person other than the first party (subject of the record) or the second party (custodian of the record).

"Transfer of Record Data": see definition of Disclosure.

"Written Notice" means direct communication to the student's home in the form of written statements in English and in the primary language of the home.

(continued)

(3)

STUDENTS

Student Records: Definitions (continued)

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Regulatory Authority: (1989)

Commonwealth of Virginia, Department of Education Regulations "Management of the Student's Scholastic Record in the Public Schools of Virginia" (effective October 1, 1989).

## STUDENTS

Student Records: Content/Collection/Maintenance and DispositionA. Category I (Scholastic) File

## REQUIRED

Data	Collection	Maintenance/Disposition
1. Record Data Disclosure Form	All students	Retain permanently.
2. Name and address of student	All students	Retain permanently.
3. Birth Date	All students	Retain permanently.
4. Name and address of parent	All students	Retain permanently.
5. Program of studies plan	All students	Retain permanently.
6. Scholastic work completed	All students	Retain permanently.
7. Level of achievement	All students	Retain permanently.
a. Grades	All students	Retain permanently.
b. Grade point average	Secondary students, as appropriate	Retain permanently.
8. Type of diploma	Secondary students, as appropriate	Retain permanently.
9. Attendance	All students (continued)	Retain permanently.

## STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)A. Category I (Scholastic) File (continued)

## REQUIRED

10.	Test data	All Students, as required by the State and/school division	Retain State required test scores permanently; destroy test profiles and results of inventories five years after student graduates from a secondary school, completes a program adopted by the Board of Education, or leaves school.
	a. Results of Normative Tests, such as achievement batteries and inventories		
	b. Results of Literacy Testing Program, prescribed and provided by the	Required students as appropriate	Retain permanently.
11.	Cumulative Health record including pre-school physical examination report, and school entrance examination report	All students	Destroy when no longer educationally useful or five years after student graduates or leaves school.
12.	Certificate of Immunization	All students	Retain permanently.

(continued)

(2)

STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)

A. Category I (Scholastic) File (continued)

13. Record of employment counseling and placement	All secondary students	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education, or leaves school.
14. Social Security Number (unless waiver is granted)	All students	Retain permanently.
15. Identification Number (ID)	All students	Retain permanently.

OPTIONAL

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
1. Results of other standardized group tests and inventories	Students tested or inventoried	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
2. School, community activities; work experience	Students who engage in such activities	Destroy when no longer educationally useful or five years after a student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)

A. Category I (Scholastic) File (continued)

OPTIONAL

3.	Employment evaluations	All students in cooperative vocational programs student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.	Destroy when no longer educationally useful or five years after
4.	Record of counseling interview (date, reason, etc., not content)	All students interviewed	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school
5.	Citizenship status if other than United States	Student with such status	Retain permanently.

B. Category II (Confidential) File

REQUIRED

(These directives for all students as appropriate.)

## STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)B. Category II (Confidential ) File (continued)

## REQUIRED

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
1. Records of referral	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
2. Reports of assessment - both initial and periodic -- as follows:	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
a. Educational assessment	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

(continued)

(5)



STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)

B. Category II (Scholastic) File (continued)

REQUIRED

- 2. Report of assessment both initial and periodic --- as follows: (continued)

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
b. Physiological assessment, to include medical examination and assessment of speech, hearing, and vision	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
c. Psychological assessment including results of individual	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
d. Sociological assessment, including the adaptive behavior checklist	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

(continued)

(6)

STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)

B. Category II (Confidential ) File (continued)

REQUIRED

2. Report of assessment  
- both initial and  
periodic -- as follows:  
(continued)

Data

e. Other assess-  
ments, as appro-  
priate

Collection

All students,  
as appropriate

Maintenance/Disposition

Destroy when no longer  
educationally useful or  
five years after student  
graduates from a  
secondary school,  
completes a program  
adopted by the Board of  
Education or leaves  
school.

3. Other pertinent  
reports as follows

a. Permission for  
initial testing

All students,  
as appropriate

Destroy when no longer  
educationally useful or  
five years after student  
graduates from a  
secondary school,  
completes a program  
adopted by the Board of  
Education or leaves  
school.

(continued)

(7)

## STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)C. Category II (Scholastic) File (continued)

## REQUIRED

3. Other Pertinent  
Reports as follows (continued)

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
b. Permission for initial placement	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
c. Record of Parent conference to discuss special education placement	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school
d. Summary of minutes of eligibility committee findings for special education students	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school

## STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)B. Category II (Confidential ) File (continued)

## REQUIRED

## 3. Other pertinent reports as follows (continued)

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
e. Permission for release of information, if appropriate	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
f. Report of annual review of placement	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
g. Reports of appeals, if appropriate	All students, as appropriate	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

(continued)

(9)

## STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)B. Category II (Scholastic) File (continued)

## REQUIRED

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
4. Individualized Education Program (IEP)	All students, as Appropriate	Review annually. Expired IEPs must be retained for five years after student graduates from a secondary school, completes a program adopted by the Board of Education or Leaves school.

## OPTIONAL

(Recommended for students requiring differentiated programs or special needs students.)

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
1. Social histories	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
2. Legal, psychological And medical reports	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

(continued)

(10)

STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)

B. Category II (Confidential ) File (continued)

OPTIONAL

3. Other pertinent reports as follows

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
3. Record of sensitive physical problems	Students with such problems	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
4. Verified reports of serious or recurrent atypical behavior patterns	Students with such problems	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.
5. Reports from institutions and agencies such as juvenile court, social welfare, etc.	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school.

STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)

B. Category II (Confidential) File (continued)

OPTIONAL

<u>Data</u>	<u>Collection</u>	<u>Maintenance/Disposition</u>
6. Counselor or teacher case studies	Students with such studies	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school
7. Confidential interviews and/or recommendations	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school
8. Vocational assessment data	Students with such reports	Destroy when no longer educationally useful or five years after student graduates from a secondary school, completes a program adopted by the Board of Education or leaves school

(continued)

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STUDENTS

Student Records: Content/Collection/Maintenance and Disposition (continued)

B. Category II (Confidential ) File (continued)

Regulatory Authority: (1989)

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Commonwealth of Virginia, Department of Education Regulations, "Management of the Student's Scholastic Record in the Public Schools of Virginia" (effective October 1, 1989).



## STUDENTS

Student Records: Access and Disclosurea. Definition

As used in this regulation, "custodian" means the licensed person charged with the responsibility for student records security and management. At the individual building level the custodian shall be the principal or a designee. Where such records are maintained in a central facility the custodian shall be the superintendent or a designee.

b. Access to Student Records

1. The custodian shall permit parents or eligible student to inspect and review scholastic records relating to the student which are collected, maintained or used by the division. The custodian shall comply with a request without unnecessary delay and in no case more than 14 calendar days after the request has been made.
2. The custodian shall comply with a request to inspect and review scholastic records before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation or educational placement of the student or provision of a free appropriate public education.
3. The right to inspect and review scholastic records includes:
  - (a) The right to a response from the custodian to reasonable requests for explanations and interpretations of the scholastic records;
  - (b) The right to request that the custodian provide copies of the scholastic records containing the information, if failure to provide the copies would effectively prevent the parent/s/ or guardians/ from exercising the right to inspect and review the scholastic records; and,
  - (c) The right to have a representative of the parents/ or guardians/ inspect and review the scholastic records.
4. The custodian may presume that both parents have the authority to inspect and review records relating to the student unless the school division has been advised that both parents do not have the authority under applicable State law governing such matters as guardianship, separation and divorce.
5. Each custodian shall keep a record of parties obtaining access to scholastic records collected, maintained or used.

(continued)

## STUDENTS

Student Records: Access and Disclosure (continued)

6. If any scholastic record includes information on more than one student, the parents/ or guardians/ of those students shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.
7. When requested the custodian shall provide parent/s/, guardian/s/ or eligible student with a list of the types and locations of scholastic records collected, maintained or used by the school division.

## C. Disclosure of Student Records Content

1. When a request for disclosure of scholastic record data is made, such a request shall be granted immediately, if practicable, but in no case more than five (5) administrative working days after the date of the request. If the custodian determines that it is practically impossible to provide the requested records or to determine whether they are available within the five (5) administrative working days, the custodian shall inform the requesting party and shall have an additional seven (7) administrative working days to provide the requested records.
2. The custodian may disclose, upon student transfer, information from scholastic records to another school division without parental consent, unless prohibited by other applicable law.
3. The custodian shall keep permanently in the student's scholastic and confidential files a RECORD DATA DISCLOSURE FORM showing:
  - a. the parties who have requested and/or obtained scholastic record data disclosure, with the exception of adult clerical and licensed personnel within the division; the parent or eligible student; and the parties receiving directory information;
  - b. the agency or institution represented, if appropriate;
  - c. the date of the disclosure;
  - d. the specific legitimate interest of such disclosure and the purpose for which the data will be used; and
  - e. the signature of the custodian or designee.

(continued)

(2)

## STUDENTS

Student Records: Access and Disclosure (continued)C. Disclosure of Student Records Content (continued)

4. The record data disclosure form shall be available to the parent or eligible student, to school officials responsible for record maintenance, and to parties authorized.
5. Personally identifiable information from scholastic records, with the exception of directory information shall be disclosed to a third party only on the condition that said party will not redisclose such information without the written consent of the parent or eligible student. Such disclosure shall be accompanied by a written statement explaining the above stated condition.

If the third party is an institution, agency or organization, the disclosed personal information may be used by its officers, employees and agents, but only for purposes for which the disclosure was made.

6. Parties to whom scholastic record data shall be disclosed, upon request, and the conditions of such disclosures are charted as follows: (x indicates disclosure is permitted)

<u>Party</u>	<u>Category I</u>	<u>Category II</u>
	(Scholastic) <u>File</u>	(Confidential) <u>File</u>

- |  |   |
|--|---|
| (1) <u>Accrediting Organization</u>  | x |
| Without prior written consent of the parent or eligible student, data shall be disclosed to accrediting organizations in order to carry out their accrediting functions. |   |

(continued)

(3)

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) <u>File</u>	<u>Category II</u> (Confidential) <u>File</u>
<p>(2) <u>Adult Clerical Personnel</u> Without prior written consent of the parent or eligible student, adult clerical personnel charged with record maintenance responsibility shall have access to scholastic records for maintenance purposes only.</p>	x	x
<p>(3) <u>Eligible Student Who is Subject of Record</u>  Without prior written consent of the parent, data shall be disclosed to the eligible student, subject to the following limitations:</p> <p>a. Following eligible student notification of the right to disclosure of data from his record, if a waiver of this right to disclosure of confidential letters and statements of recommendation has been obtained, the eligible student shall not have access to confidential letters and statements of recommendation relative to admission to an educational agency or institution, applications for employment, and the receipt of an honor or honorary recognition.</p> <p>b. Where the waiver is applied, the eligible student shall, upon request be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose for which they were specifically intended. Said waiver may be revoked at any time with the</p>	x	x

(continued)

(4)

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
<ul style="list-style-type: none"> <li>b. understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.</li> <li>c. If any record includes data on more than one student, the eligible student shall have the right to inspect and review only that data relating to himself, or to be informed of that specific data.</li> </ul>		

(4) Emergency - Appropriate Persons in Connection With:

Without prior written consent of the parent or eligible student, data shall be disclosed to appropriate persons, in connection with emergency and subject to regulations of the U.S. Secretary of Education, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The factors to be taken into account in determining whether record data may be disclosed are the following:

x	x
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- (a) the seriousness of the threat to the health or safety of the student or other persons;
- (b) the need for such records to meet the emergency;
- (c) whether the persons to whom such records are released are in a position to deal with the emergency; and

(continued)

(5)

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
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(d) the extent to which time is of the essence in dealing with the emergency.

(5) Financial Aid -- Appropriate Persons Concerned with Student's Application

x	x
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Without prior written consent of the parent or eligible student, personally identifiable information from the student's record shall be disclosed to appropriate persons concerned with the student's application for financial aid only for such purposes as may be necessary for the following:

- a. to determine the student's eligibility for financial aid, the amount of such aid, and the conditions to be imposed regarding the aid; and
- b. to enforce the terms or conditions of financial aid.

<u>Party</u>	<u>Category I</u> (Scholastic) <u>File</u>	<u>Category II</u> (Confidential) <u>File</u>
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(6) Governmental and Educational Auditors, Evaluators and Researchers

x	x
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STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

(6) (continued)  
Party

Category I

Category II

(Scholastic)  
File

(Confidential)  
File

Without prior written consent of the parent or eligible student, disclosure of record data shall be made to authorized representatives of the Comptroller General of the United States, the United States Secretary of Education; the United States Commissioner of Education, or the Assistant Secretary for Education; the LEA Superintendent; the State Educational authorities needing information for the audit and evaluation of State and Federally supported education programs or the enforcement of Federal legal requirements related to such programs. Data collected shall exclude identifiable information on students or parents unless such information is authorized by Federal law or is needed by the Board of Education for such projects as student follow-up studies.

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

6. (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
<p>Personally identifiable data collected shall be destroyed when no longer needed for the purposes stated above.</p>		

<p>(7) <u>Officer, United States</u></p> <p>Without prior written consent of the parent or eligible student, record data about a student who is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien shall be disclosed to an officer or employee of the United States seeking such information in the course of his duties. The school may furnish the following information about such student: name and address, daily attendance record, grades received in school subjects, parent's name, date and place of birth, names and addresses of other school attended.</p>	<p>x</p>
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## STUDENTS

Student Records: Access and Disclosure (continued)D. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
<u>(8) Officials, Authorities - State and Local</u>	x	x
(a) Without prior written consent of the parent or eligible student, record data shall be disclosed to State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.		
(b) Data shall be disclosed to the State Department of Corrections.	x	x
(c) Without prior written consent of the parent or eligible student, record data shall be disclosed to State or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board seeking information in the course of his duties.	x	x

(continued)

(9)

STUDENTS

Student Records: Access and Disclosure (continued)

E. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
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(8) Officials, Authorities --  
State and Local (continued)

(The local law enforcement agency and the custodian will designate specific law enforcement personnel to whom such information will be disclosed.)

(d) An employee or official of the State or local health department shall have access to the preschool physical examination report, the immunization record and the school entrance health examination form. x

(e) Without prior written consent of the parent or eligible student, record data shall be disclosed to an officer or employee of a city or county agency responsible for protective services to children, as to a student referred to that agency as a minor requiring investigation or supervision by that x            x

STUDENTS

Student Records: Access and Disclosure (continued)

F. Disclosure of Student Records Content (continued)

(8) Officials, Authorities - State and Local (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
<p>agency. (The agency and the custodian shall designate specific agency personnel to whom such information will be disclosed.)</p> <p>(f) Without prior written consent of the parent or eligible student, the record of a student's daily attendance shall be open for inspection and reproduction to an employee of a local department of welfare or social services who needs the record to determine eligibility of the student's family for public assistance.</p>	<p>x</p>	<p>x</p>

(9) Organizations, Agencies Conducting Studies

<p>(a) Without prior written consent of the parent or eligible student, data shall be disclosed to organizations conducting studies for, or on behalf of educational agencies or institutions for the purpose of developing, vali-</p>	<p>x</p>	<p>x</p>
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(continued)

(11)

## STUDENTS

Student Records: Access and Disclosure (continued)G. Disclosure of Student Records Content (continued)(9) Organizations, Agencies, Conducting Studies (continued)

<u>Party</u>	<u>Category I Category II (Scholastic)</u> (Confidential)	
	<u>File</u>	<u>File</u>
(a) (continued) dating or administering predictive tests, administering student aid programs and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it was collected. The term "organization" includes, but is not limited to federal, state, and local agencies and independent organizations.		
(b) At the discretion of the custodian, record data shall be released to the staff of a college, university, or educational research and development organization or labora-	x	x

(continued)

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STUDENTS

Student Records: Access and Disclosure (continued)

H. Disclosure of Student Records Content (continued)

(9) Parent (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
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(b) continued)  
 tory without prior written  
 consent of the parent or  
 eligible student under the  
 following conditions:

[1] if such information is necessary to a research  
 project or study conducted, sponsored or approved by  
 the college, university or educational development  
 organization or laboratory, and

[2] if no student will be identified by name in the  
 information submitted for research.

(10) <u>Parent</u>	x	x
--------------------	---	---

Data shall be disclosed to the  
 parent or guardian of the student  
 including a noncustodial parent,  
 unless such parent's parental  
 rights have been terminated or a  
 court of competent jurisdiction  
 has restricted or denied such  
 access until the student is 18  
 years of age or is enrolled in an  
 institution of postsecondary  
 education subject to the  
 following limitations.

(continued)

(13)

STUDENTS

Student Records: Access and Disclosure (continued)

I. Disclosure of Student Records Content (continued)

(10) Parent (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
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- (a) Following parental notification of right to disclosure of data from student's record, if a waiver of this right to access to confidential letters and statements of recommendation has been obtained, the parent shall not have access to confidential letters and statements of recommendation relative to admission to an educational agency or institution, applications for employment, and the receipt of an honor or honorary recognition.
- (b) Where the waiver is applied, the parent shall, upon request, be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose for which they were specifically intended.
- (c) This waiver may be revoked at any time with the understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.
- (d) If any record includes data on more than one student, the parent shall have the right to inspect and review only that data relating to his child, or to be informed of that specific data.

(11) <u>Parents of Dependent Student</u> (See Internal Revenue Code) Data shall be disclosed. No prior written consent is required.	x	x
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(12) <u>Principal/Designee of School</u> <u>Student Plans to Attend and/ or</u> <u>Appropriate Official of Post</u> <u>Secondary Institution Student</u> <u>Plans to Attend</u>	x	x
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(continued)

(14)

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

(12) (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
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(a) Transfer of Record Data Within the School Division

When a student moves from grade to grade, or school to school within the division, his entire record shall follow him to indicate educational/developmental patterns. Prior written consent of parent or eligible student is not required for this transfer.

(b) Other Transfer - When a student transfers to another division, or postsecondary education, a transcript of his record -- to include academic achievement, standardized test data, cumulative health-physical fitness record, medical records, other pertinent information, etc., where appropriate -- shall be sent promptly, upon request, to the appropriate official of the division or school in which he seeks or intends to enroll. The custodian transferring the data shall make a reasonable effort to notify the parent or eligible student of such a transfer and shall provide him with a copy of the record, if desired, and an opportunity for a hearing to challenge the content of the record. The division superintendent or a designee shall notify the local police or sheriffs department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or a designee has reason to suspect that the pupil is a missing child.

(13) <u>Professional Personnel</u> <u>Within School or School</u> <u>Division</u>	x	x
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Without prior written consent of the parent or eligible student, data shall be disclosed to those licensed personnel determined by the superintendent or designee

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
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(13) (continued)

to have legitimate educational interests in the student. (Licensed personnel who copy data shall protect the confidentiality of such data.)

(14) Public, Private School, College, University, Military

x

Without prior consent of the parent or eligible student, names and addresses of present and former students may be disclosed to the following for the purpose of informing students and former students of available educational and career opportunities:

- (a) any officer or employee of a public or private school, college or university;
- (b) an official of a private business or professional school or college; and
- (c) any official recruiting representative of the military forces of the Commonwealth and the United States.

(15) State Superintendent of Public Instruction or Member of his Staff

x

x

See Governmental and Educational Auditors, Evaluators and Researchers.

(continued)



## STUDENTS

## Student Records: Access and Disclosure (continued)

## C. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
<p><u>(16) Student (under eighteen)</u> <u>Who is Subject of Record</u></p> <p>Record data shall be disclosed to the student (under eighteen) who is the subject of the record with these limitations:</p> <p>a. Written consent of the parent will be required by the custodian for access by students under eighteen years of age except in instances where the student is an emancipated minor or is enrolled in an institution of higher education.</p> <p>b. Students, including those enrolled in institutions of postsecondary education, shall not have access to financial records of the parents.</p> <p>c. Following student notification of right of access to his record, the student may waive his right to inspect and review confidential letters and confidential statements for admission to an educational agency or institution; application for employment; and/or the receipt of an honor.</p> <p>d. An educational agency or institution may request, but may not require that a parent or a student waive his rights.</p> <p>e. To be valid, a waiver must be in writing and signed by the parent or student, as appropriate.</p>	x	x

[1] Where the waiver is applied, the student shall, upon request, be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose

(continued)

(17)

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Confidential) File	<u>Category II</u> (Scholastic) File
(16) <u>Student (under eighteen)</u> <u>Who is Subject of Record</u>	x	x

for which they were specifically intended. Should such recommendations be used for a different purpose, the waiver becomes void and the student has the right to inspect and review the recommendation.

[2] The waiver may be revoked at any time with the understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.

(17) <u>Other Parties</u>	x	x
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(a) With prior written consent of the parent or eligible student, disclosure shall be made to a party or class of parties other than those listed in the foregoing paragraphs 1 - 16 subject to the following conditions:

[1]. The written consent must specify records to be disclosed, the reasons for such disclosure and the party or class of parties to which information shall be disclosed; and shall be signed and dated by the parent or eligible student.

(continued)

(18)

STUDENTS

Student Records: Access and Disclosure (continued)

C. Disclosure of Student Records Content (continued)

<u>Party</u>	<u>Category I</u> (Scholastic) File	<u>Category II</u> (Confidential) File
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[2] A copy of the records shall be made available, upon request, to the parent or eligible student, and to the student who is not an eligible student if so requested by the student's parents.

<p>(b) Following reasonable effort to notify, in advance, the parent or eligible student, disclosure shall be made in compliance with judicial order or pursuant to any lawfully issued subpoena.</p>	<p>x</p>	<p>x</p>
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(c) Unless the parent or eligible student has submitted a written request for nondisclosure, directory information may be disclosed to others upon request at the option of the custodian.

*Editor's Note*  
*For destruction of student records see division regulation JO-R.4*  
*See also school board policy JO.*

Regulatory Authority: (1989)

Commonwealth of Virginia, Department of Education Regulations, "Management of the Student's Scholastic Record in the Public Schools of Virginia" (effective October 1, 1989).

Approved by Superintendent: August 21, 1989



## STUDENTS

## Student Records: Destruction

A. Notification of Intent to Destruct

The custodian of student records shall inform parents, guardians or an eligible student when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student.

When informing parents, guardians or eligible student about their rights under this regulation, the custodian should remind them that the scholastic records may be needed by the student, the parents or guardians for social security benefits or other purposes. If the parents, guardians or eligible student request that the information be destroyed, then the custodian shall retain only that information required under State law and regulations.

Prior to destruction of data, a reasonable effort shall be made by the custodian to notify parents, guardians or eligible student that they have a right to be provided with a copy of data to be deleted from the file(s).

B. Handicapped Students

Personally identifiable information on a handicapped student may be retained permanently unless the parents, guardians or eligible student request that it be destroyed. The information must be destroyed at the request of the parents, guardians or eligible student. However, a permanent record of a student's name, address, telephone number, his grades, attendance record, classes attended, grade-level completed, and year completed may be maintained without time limitation.

*Editor's Note*

*For "custodian of student records" see division regulation JO-R.3 Part A.*

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Regulatory Authority: (1989)

Commonwealth of Virginia, Department of Education Regulations, "Management of the Student's Scholastic Record in the Public Schools of Virginia" (effective October 1, 1989).

Approved by Superintendent: April 21, 1989

## STUDENTS

Student Directory InformationA. Generally

The school board authorizes making student directory information public as permitted under State and federal laws and regulations.

## B. Definition

Student directory information is defined to include the following:

1. name of student in attendance or no longer in attendance;
2. address;
3. date and place of birth;
4. telephone listing;
5. dates of attendance;
6. participation in officially recognized activities and sports;
7. height and weight, if member of athletic team;
8. awards and honors received; and
9. other similar information.

C. Release of Directory Information

1. Prior to release of such information the superintendent or designated principals shall give public notice of such intent in a newspaper of general circulation, a school paper, patron organization newsletter or announcements sent home to parents describing the kind of information being in the directory category.
2. Such notices must be given not more than 15 working days before actual release of such information to give anyone affected the opportunity to notify school authorities of his /her objection, in which case the information relating to that student will not be made public.

(continued)

## STUDENTS

Student Directory Information (continued)D. Discretionary Selection of Directory Information by Superintendent

Not all categories listed in Section B ("Definition") need be included as student directory information. The superintendent is authorized to designate those categories to be made public.

Regulatory Authority: (1989) *Virginia Department of Education Regulations*,  
*"Management of the Student's Scholastic Record*  
*in the Public Schools of Virginia.* "

Code of Va., § 22.1-287.1. Directory information.--Notwithstanding § 22.1-287 and 22.1-288, directory information may be publicly released in accordance with federal law and regulations and the regulations of the Board of Education. Such directory information may include the student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and other similar information. (1983)

Public Law 93-380; August 21, 1974 (The Family Educational Rights and Privacy Act) now in 20 United States Code, Sec. 1230, 1232 (g)-(i).

HEW Regulation, 8 June 1972 (effective date 17 June 1976) published in full in the Federal Register on the latter date,  
 p. 24662.

Virginia Department of Education Regulations "Management of the Student's Scholastic Record in the Public Schools of Virginia." (1989)

Adopted by School Board: December 9, 1985

(2)

STUDENTS

Student Photographs

Student photographs may be taken and packets of pictures offered for sale each school year.

Sale of pictures, accounting for the disbursements of monies involved will be the responsibility of each principal.

A current photograph, if available, will be placed on the scholastic record card each year.



## STUDENTS

### Surveillance

The Tazewell County School Board believes that schools and work sites in the division should be safe and secure to protect individuals and their property from harm. To this end, Tazewell County Public School personnel support the controlled use of video surveillance systems/equipment within the school division. The Tazewell County School Board believes that the privacy of individuals should be protected and therefore, the use of video surveillance must be strictly controlled to ensure the protection of individual rights and compliance with federal and state laws addressing privacy and the disclosure of student records.

Video surveillance systems/equipment, with or without audio capability, may be used within the schools and on school buses operated by the school division. Video surveillance systems/equipment may or may not be monitored at all times.

For the purposes of this regulation, “video surveillance systems/equipment” is comprised of fixed and touring cameras and/or digital video recorders that allow for the recording, storage, limited monitoring and retrieval of video images captured and compressed by the equipment.

Video surveillance equipment may be installed and used to:

1. assist in efforts to maintain safety;
2. assist in efforts to protect school division assets;
3. assist with the application and enforcement of the Code of Student Conduct;
4. provide a visual deterrent to crime;
5. encourage orderly behavior on school board property, at school functions, and on school buses; and/or
6. increase the likelihood of identification of persons who may breach the Code of Student Conduct or commit violations of the law.

The placement and installation of video surveillance equipment will be determined through a coordinated effort of the Supervisor of Technology, the Assistant Superintendent for Administration, and the individual school administrator where the equipment is being installed. Cameras will normally be installed in common areas such as the main office, hallways, cafeteria, gymnasium, library, school facility entrances, and parking lots. Cameras shall not be positioned in areas where individuals have a legitimate right to expect privacy, such as restrooms and locker rooms. Every effort shall be made to prevent outdoor cameras from being directed toward private homes, businesses, or personal property. Monitors will be positioned in such a way as to avoid public viewing.

Thefts, vandalism, or breaches of security may warrant video surveillance systems being temporarily installed in a school or other school board property. To ensure individual privacy rights are protected in accordance with the law, the installation of temporary equipment will require the approval of the Division Superintendent and the Supervisor of Technology in consultation with the

School Board attorney. The same rules regarding privacy and the use of recorded images for permanently installed equipment will also apply to temporary applications of video surveillance equipment.

Signs will be prominently posted at visible points inside and outside a facility and in school buses to indicate that video surveillance equipment is being engaged. Signs will state that video surveillance equipment is in use and may or may not be monitored. Any person entering school board property, school functions, or riding a school bus, is subject to be videotaped. Video screen monitors will not be regularly or routinely monitored and are not to be used as an acceptable method of supervising student activities. Video monitors are not intended to take the place of the supervision of students, facilities, or grounds by school employees. The recorded information will be reviewed when an incident has been reported or observed or to investigate a potential crime or violation of school board policy or regulation.

Video surveillance systems/equipment will be secured and only authorized personnel shall have access to said equipment. Unauthorized use of, tampering with, or disabling of, video surveillance systems may result in disciplinary action, up to and including termination for employees, and could subject a student to immediate suspension and an expulsion hearing.

Use of video surveillance in the school division shall at all times comply with federal and state laws regarding privacy and the disclosure of student records. Video surveillance recordings may be used:

1. in school system internal investigations;
2. in student or employee disciplinary proceedings;
3. in civil or criminal proceedings;
4. in Risk Management's review of incidents of accidents or injuries to students, employees, or visitors; and/or
5. to review incidents involving violations of school division policies, procedures, or disciplinary guidelines.

Only appropriate school and Central Office administrators, law enforcement personnel, and school resource officers are authorized to review and preserve the "real time" recorded video information. Once school officials use a surveillance video tape for discipline purposes, the tapes become education records and are subject to FERPA requirements.

While parents of students may be permitted to view video footage of their child(ren), parents may not view video footage that involves the activities of other children. The exception is that children who are in the background, and are not involved in the incident in question, are considered "set dressing" (not relevant to the incident) and may be included in the video being viewed. In the case where there is more than one student that is the focus of the video, the school may provide parents of those students access to the video. The school may not give a copy of the video to such parents without the consent of the other students' parents.

Video and digital recordings will be retained for thirty (30) calendar days after initial recording, then reused or destroyed if not required to support an investigation or litigation. Video recordings remain the property of Tazewell County Public Schools and may only be reproduced with authorization of the school principal or designee, a member of the Department of Transportation, and then only in accordance with the law and applicable School Board policies and directives. Disposal and destruction of video recordings used in known investigations or litigations shall conform to the records management requirements set forth by the Library of Virginia.

Central Office Supervisors, Supervisor of Transportation, or the principal of a school shall provide authorization for video footage to be copied. Technology staff and employees specifically designated and trained will be responsible for creating the physical copy of recorded information. Technology staff/designees will label the copy of the video with the following elements: time of incident, date of incident, school, and initials of the staff member creating the copy. A log shall be maintained by the Supervisor of Transportation and by the principal of each school where video surveillance equipment is installed. The log will record the authority under whom the copy was made, the name of the person who actually made the copy, the name of the person who received the copy, the date and time the copy was made, and whether the copy will be returned to the school or destroyed.

Video surveillance systems/equipment will be inspected on a regular basis by the school administrator and technology personnel to ensure that equipment is functioning properly and that cameras are properly monitoring the intended area for surveillance. Video surveillance cameras or equipment in need of adjustment or repair should be reported immediately to the Supervisor of Technology for correction.