

## COMMUNITY RELATIONS

### Scholastic Records

#### A. Definitions

Words and terms when used in this Policy and its implementing regulations are established in Regulation 5-31.2.

“Eligible student” means a student who is eighteen (18) years of age or older, a student attending a postsecondary institution, or an emancipated student. Students who are 18 years old and subject to a court order that places the student under the legal guardianship of another person will be treated as minor students.

“Parent” or “parents” mean any parent, guardian, legal custodian, or other person having control or charge of a child. A child is determined to be a person under the age of eighteen (18) years of age. Students who are “eligible students” or adult students as used by the School Division, have the right to make decisions regarding their records and education.

“Sex” for the purposes of identifying an individual means biological sex.

“Transgender student” means a VBCPS student whose parent has stated in writing that the student’s gender identity differs from the student’s sex, or an eligible student who states in writing that his or her gender identity differs from his or her sex. Any writing from the eligible student or parent of a minor student shall be memorialized in the student’s official record and be subject to the same retention, disclosure, and confidentiality requirements as the official record itself.

#### B. Generally

All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws or regulations and School Board policies and regulations.

An accurate and complete individual, permanent and cumulative record shall be maintained for each student in grades pre-K-12 enrolled in the School Division. When appropriate, a separate confidential record shall be maintained for those students requiring differentiated. When a separate confidential record is established a notation on the cumulative record shall indicate the location of the confidential records. All data (cumulative and confidential) shall be considered the student's official scholastic records. In accordance with Code of Virginia § 22.1-288.2, as amended, every notice of adjudication of delinquency or conviction received by a superintendent in accordance with applicable law, including any information contained in such notice, which is not a disciplinary record as defined in Virginia Department of Education regulations, shall be maintained separately from all other records concerning the student. However, if disciplinary action is taken against a student based upon the information provided in such notice, then the notice shall become a part of the student's disciplinary record.

No statement in this Policy or any implementing regulations shall be construed by employees as negating their responsibility for reporting child abuse or neglect cases as required by Code of Va., Virginia § 63.2-1509, as amended, and School Board Policy 4-68.

All personnel authorized access to scholastic records shall be informed of this Policy and its implementing regulations. Strict adherence shall be considered a condition of employment or authorization to access such files by volunteers and agents of the School Board.

### **C. Custodian(s) of Student Records**

The employee responsible for the in-service education of records maintenance personnel and the collection, security, use, disclosure, periodic evaluation, transfer and destruction of scholastic records data shall be designated as custodian of student records.

At the individual school level the custodian of student records shall be the principal or a designee. When scholastic records are on file in a central facility the Superintendent or a designee shall be the custodian.

The Executive Director of the Office of Programs for Exceptional Children shall designate a custodian to maintain the confidential files for students with disabilities (preschool, unserved) who are not enrolled as students in the School Division.

### **D. Notification of Records Policies and Regulations**

#### **1. Generally**

School Board policies and regulations pertinent to scholastic records shall be available to interested parties on the School Division website which is available and accessible at each school administrative office, media center (library), and the central office.

#### **2. Parents/Legal Guardians/Eligible Students**

Each year the School Board shall notify eligible students, the parents and/or legal guardians of minor students in attendance and eligible students in attendance of their rights as established in School Board policies and regulations. Such notification may be by letter, mailing, electronic communication, patron organization bulletins or by public notice in the newspaper press. However transmitted, the notification shall include the following:

- a. The types and location of scholastic records and information maintained therein;
- b. The title and address of the employee responsible for the maintenance of scholastic records, the parties to whom data may be disclosed, and the purpose for disclosure;
- c. The policy for reviewing and expunging scholastic records;
- d. The policies and regulations for disclosure of data from scholastic records;
- e. The right to challenge the content of scholastic records and to file with the Office of Family Compliance, U.S. Department of Education, a complaint



concerning an alleged failure by the School Division to comply with the Family Education Rights and Privacy Act (FERPA);

- f. The fee for reproducing copies of scholastic records;
- g. The data designated as directory information; and
- h. The right to obtain, upon payment of the appropriate fee, a copy of School Board policies and regulations on the management of the scholastic records and the location of same.

### 3. Local Agencies

Each year the custodian of scholastic records shall inform local agencies cooperating with the School Division in the student's educational development of the location of School Board policies and regulations in the management of scholastic records.

#### **E. Access to Student Records**

##### 1. School Division Employees

###### a. Licensed Personnel

Licensed personnel (including itinerant teachers) within the student's school shall have access to his/her student's records.

Other licensed personnel shall have access to these records if the custodians of scholastic records determine they have a legitimate educational interest in requesting such access. The criterion for determining "legitimate educational interest" shall be the student's welfare. Licensed personnel who copy data from student records shall protect the confidentiality of such data.

###### b. Classified Personnel

Classified personnel assigned to duties within the facility where student records are maintained shall have access to such records only with the prior approval of the custodian of scholastic records. Students and paraprofessional employees shall not be assigned clerical duties where they may have access to scholastic records.

###### c. In-service Education

The custodian of student records shall supervise an in-service education program for employees having access to these records. The core documents for the program shall be this Policy and its implementing regulations.

###### d. Employee Access Roster

Custodians of scholastic records shall maintain an up-to-date roster of division employees within their facility having access to scholastic records. These rosters shall be made available for public inspection.

##### 2. Parents/Legal Guardians/Eligible Students

- a. ~~a.~~ The custodian of student records shall permit parents and/or legal guardians of minor students or eligible students to inspect and review such records. Compliance with requests shall be made without unnecessary delay and in no case more than forty-five (45) calendar days after the request has been made in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), as amended and related regulations. In the case of requests made by parents, legal guardians, or eligible students for records of students with disabilities, compliance with such request shall be made prior to any meeting for a student identified under the Individuals with Disabilities Education Act.
- b. ~~b.~~ The custodian of student records may presume that parents/legal guardians of minor students have the authority to inspect and review records relating to the minor student unless the School Division has been advised that a parent/legal guardian does not have the authority under applicable state law governing such matters as guardianship, separation, divorce, or Child Protective Services.

### 3. Student (under eighteen) who is Subject of Record

Transfer of rights to review scholastic records from the parent/legal guardian to an eligible student happens when the student reaches eighteen (18) years of age. Parents or legal guardians who continue to claim the student as a tax dependent may continue to access the eligible student's scholastic record.

### 4. Third Parties

The custodian of records may permit the following third parties to access student records in accordance with applicable state and federal laws:

For purposes of this section, "group home" means a "juvenile residential facility that is a community based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and does not exceed the capacity approved by the regulatory authority" and "juvenile detention center" means "a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers."

Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the custodian of records 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 student or by such student if the student is eighteen years of age or older. Private agencies or private individuals must provide a written release or authorization from the student's parents specifying the records to be released, the reasons for such release, and to whom the records are to be released.

The custodian of records shall release student records in accordance with a Federal grand jury subpoena, any other subpoena issued for a law enforcement purpose, a judicial order, or any lawfully issued subpoena, that lawfully requires disclosure of such records and shall notify the parents, legal guardian or eligible student of such disclosure as required by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), as amended, and related regulations.



The custodian of records shall permit a guardian ad litem or counsel for the child appointed pursuant to Code of Virginia § 16.1-266, as amended to inspect and copy, without the consent of the child or the child's parents/legal guardians, any records relating to the child whom the guardian or counsel represents, upon presentation by the guardian ad litem of a copy of the court order appointment or a court order specifically allowing such access.

Pursuant to Standard 1 of the Standards of Quality (Chapter 13.2 (§ 22.1-253.13:1 *et seq.*) of Title 22.1), all school boards are required to implement career and technical education programs promoting knowledge of careers and various employment opportunities, including, but not limited to, military careers. Therefore, any school board that provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or School Division-sponsored activity whether conducted on School Board property or other property to persons or groups for occupational, professional or educational recruitment shall provide equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States.

- a. A person designated in writing by either parent or legal guardian of the student if the student is less than eighteen years of age or as designated by an eligible student (eighteen years of age or older);
- b. 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 official duties;
- c. An agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450(b)], who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student. Any agency caseworker or other representative of a State or local child welfare agency or tribal organization (as referenced above) who does not meet the requirements outlined above, must obtain a written release from the parent, guardian, or eligible student (eighteen years of age or older) authorizing access to such student records. The release must specify the records to be released, the reasons for such release, and to whom the records are to be released.
- d. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication:
  - 1) Attorneys for the Commonwealth;
  - 2) Court services units;
  - 3) Juvenile detention centers or group homes;
  - 4) Mental and medical health agencies;
  - 5) State and local children and family service agencies;

- 6) The Department of Juvenile Justice; and
- 7) The staff of such agencies.

#### **F. Disclosure of Scholastic Records Content**

For disclosure of student records see School Board Policy 5-66.

#### **G. Amendment of Scholastic Records Content**

The parent/legal guardian of a minor student or the eligible student who believes that information in the student's record is inaccurate, misleading or violates the privacy or other rights of the student may request that the custodian who maintains the record amend such record. Upon receipt of such request the custodian shall be responsible for administering the subsequent procedures as established in Virginia Department of Education. Consistent with federal law and regulation, each school shall annually notify parents, legal guardians, or eligible students currently enrolled in attendance of their rights under the Family Education Rights and Privacy Act (20 U.S.C. § 1232(g)) and related regulations. Student records (i.e. birth certificate, Student Information System, final transcript) that require the use of the student's legal name and sex as designated in the students official records, may not be amended unless the eligible student or the parent of a minor student submits a legal document (such as a birth certificate, state or federal issued identification, passport or court order substantiating the change in the student's legal name or sex.

#### **H. Content and Disclosure of Student Directory Information**

See School Board Policy 5-66 and School Board Regulation 5-66.1.

#### **I. Periodic Evaluation of Scholastic Records**

In cooperation with school counseling personnel, the custodian of student records shall annually review the contents of these records for the purpose of removing data no longer educationally useful as directed in School Board Regulation 5-31.1 and as directed in the Commonwealth of Virginia Records Retention and Disposition Schedule (Form RM-2).

#### **J. Transfer of Scholastic Records**

Scholastic records shall be transferred as directed in School Board regulation and in accordance with applicable law and regulation.

#### **K. Implementation**

The Superintendent is authorized to implement this Policy with appropriate School Board regulations.

#### **Legal Reference**

The Family Educational Rights and Privacy Act. 20 USC § 1230, 1232 g, 34 CFR Part 99, as amended.

Code of Virginia § 16.1-266, as amended. Appointment of counsel and guardian ad litem.

Code of Virginia § 22.1-130.1, as amended. Access to high schools and high school students for military recruiters.



Code of Virginia § 22.1-20, as amended. Retention of pupil personnel records.

Code of Virginia §22.1-23.3, as amended. Treatment of transgender students; policies.

Code of Virginia § 22.1-287, as amended. Limitations on access to records.

Code of Virginia § 22.1-287.1, as amended. Directory information.

Code of Virginia § 22.1-288.2, as amended. Receipt, dissemination and maintenance of records of certain law-enforcement information.

Code of Virginia §22.1-289, as amended. Transfer and management of scholastic records; disclosure of information in court notices; penalty

Virginia Board of Education Regulation, 8 VAC 20-150-20, as amended. Management of Scholastic Record.

Virginia Department of Corrections Regulation, 6VAC35-41-10, as amended. Definitions.

Virginia Department of Corrections Regulation, 6VAC35-101-10. Suspected child abuse or neglect.

#### **Related Links**

School Board [Policy 4-68](#)

School Division [Regulation 5-31.1](#)

School Division [Regulation 5-31.2](#)

School Board [Policy 5-66](#)

School Board [Regulation 5-66.1](#)

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