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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 a 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 post-secondary 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 post-secondary education. The permission or consent required of and the rights accorded to parents relative to scholastic records shall be accorded to these students.

"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.

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Student Records: Definitions (continued)

"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" mean an individual, agency, institution or organization.

"Personally Identifiable Data" means (1) 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.

"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,

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Student Records: Definitions (continued)

handwriting, print, tapes, film, microfilm, and microfiche. Such records are classified in two categories:

"Category I (Cumulative)" 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.

Editor's Note: See also school board policy # 7-29.

Regulatory Authority:

Commonwealth of Virginia, Department of Education, Regulations "Management of the Student's Scholastic Record in the Public Schools of Virginia" (effective October 1, 1995).

Approved by Superintendent: February 6, 1990