

STUDENTS

A. 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 students 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 guardian(s) from exercising the right to inspect and review the scholastic records; and
 - c. The right to have a representative of the parent(s) or guardian(s) 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.
6. If any scholastic record includes information on more than one student, the parent(s) or guardian(s) of those students shall have the right to inspect and review only the information relating to their child or to be informed of that

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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 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 another applicable law.
3. The custodian shall keep permanently the student's cumulative 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 certificated 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.
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

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that said party will not re-disclose such information without 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> (Cumulative) <u>File</u>	<u>Category II</u> (Confidential) <u>File</u>
(1) <u>Accrediting Organization</u> 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.	x	
(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.	x	x
(3) <u>Eligible Student Who is Subject of Records</u> Without prior written consent of the parent, data shall be disclosed to the eligible student, subject to the following limitations:	x	x

- (a) Following eligible student notification of the right to disclosure of data from his

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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

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 students eligible 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.

(6) Governmental and Educational
Auditors, Evaluators and
Researchers

x

x

Without prior written consent of the parent or eligible student, disclosure of record data shall be made to unauthorized representatives of the Comptroller General of 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

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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. Personally identifiable data collected when no longer needed for the purposes stated above.

(7) Officer, United States

x

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 in the course of his duties. The school may furnish the following information about such student: name and address, daily attendance record,

(8) Officials, Authorities--
State and Local

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

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disclosed pursuant to State statute adopted prior to November 19, 1974.

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

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| (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. (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 pre-school 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 | x | x |

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

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| (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. | x | x |
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(9) Organizations, Agencies
Conducting Studies

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| (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, validating or administering predictive tests, administering student aid programs and improving instruction if such studies are con- | x | x |
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ducted 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 laboratory without prior written consent of the parent or eligible student under the following conditions:	x	x
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- (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
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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

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- (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.

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|-------------------------------------------------------------------------------|---|---|
| (15) <u>State Superintendent of Public Instruction or Member of his Staff</u> | x | x |
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See Governmental and Educational Auditors, Evaluators and Researchers.

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| (16) <u>Student (under eighteen) Who is subject of Record</u> | x | x |
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Record data shall be disclosed to the student (under eighteen) who is the subject of the record with these limitations:

- (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.
- (b) Students, including those enrolled in institutions of post- secondary education, shall not have access to financial records of the parents.
- (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.
- (d) An educational agency or institution may request, but may not require that a parent or a student waive his rights.
- (e) To be valid, a waiver must be in writing and signed by the parent or student, as appropriate.
 - (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 purposes for which they were specifically intended. Should such recommendations be used for a

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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) Other Parties

x

x

- (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.
- (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.

- (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.

x

x

- (c) Unless the parent or eligible student has submitted a written request for non-disclosure, 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 # R 7-29.4.

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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