

Transfer of Student Records

A school responding to a request for the transfer of the scholastic records from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian or other person having control or charge of the student, or to a student who is eighteen years of age or older, if the school has previously included in its annual notice a statement that it forwards such records to such requesting school division.

All personnel authorized access to student records shall be informed of these regulations. Strict adherence shall be a condition of employment by the Poquoson City School Board.

DefinitionsStudent Records

The scholastic record shall be limited to data needed by the school to assist the student in his/her personal, social, educational, and vocational development and placement and be maintained in accordance with Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia.

Federal and state laws/regulations require the maintenance of confidentiality with reference to certain items in scholastic records. Virginia has elected to identify confidential information and file all cumulative data as follows: An Education Record shall be developed for every student including information regarding differentiated programs and/or special services, such as gifted, disabled, disciplinary information and court disposition records, etc.

Individual Notification

All parents and students shall be informed of their rights relative to the student's scholastic record. Parents and eligible students shall have an opportunity for a hearing before the principal to challenge the content of their child's records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction or deletion of inaccurate, misleading, or inappropriate information therein and for the insertion of a written explanation of the parents respecting the content of the records.

Directory Information

The categories below are directory information and may be disclosed by the school if the parent has not filed a non-disclosure request. Parents have fifteen (15) administrative working days from the receipt of annual written and public notice to notify Poquoson City Public Schools in writing that any part of or all of said directory information about their child shall not be released without prior consent. Directory information consists of :

1. name of student in attendance or no longer in attendance;
2. participation in officially recognized activities and sports;
3. height and weight, if member of athletic team; and
4. awards and honors or degrees received by a student.

Publication of Student Records Policy

It shall be the division superintendent's responsibility to ensure that each school principal reports annually and on request to parents and students over eighteen years of age the following rights concerning student records:

1. to know the types and location of scholastic records that are kept;
2. to know the title and address of the official in charge of the records, the parties to whom data may be disclosed, and the purpose for disclosure;

3. to know the policies for reviewing and expunging scholastic records;
4. know the policy and procedures for disclosure of data from scholastic records;
5. to challenge a record claimed to be false or misleading, and to a fair hearing if, after review, no change is made; to place a statement of rebuttal in the challenged record if no change is made; to file a complaint with the FERPA (Family Educational Rights and Privacy Act) office of the United States Department of Education if they believe any of these rights (20 U.S.C. 1232g) are violated;
6. to receive a copy of the record at a reasonable cost as annually specified in the Parent-Student Handbook, not to exceed the cost of reproduction (search and retrieval fees shall not be charged). Such fee shall not effectively prevent the parents or their designee from exercising their right to inspect and review these records. There is no charge for IEPs. No search fee is charged for any special education records;
7. to know which data are designated as directory information;
8. to receive a response to a reasonable request for explanation and interpretation;
9. to provide the right to inspect and review the education record relating to their children without unnecessary delay and before any meeting regarding an IEP or hearing involving identification, evaluation, or placement;
10. to provide the right to have a representative of the parent inspect and review the education record;
11. to provide the right to inspect and review only information pertaining to their child should the LEA maintain education records on more than one child;
12. to obtain, upon request, a copy of the school division's written policy and procedures on the management of the scholastic records and the location of same.

Collection of Data

Data in Student's Education Record:

1. Family background data other than the name and address of parent or guardian (for example, ethnic origin, religious beliefs, income and occupational data, husband-wife relationships and the like) shall be obtained only by individual consent unless specifically authorized by state and/or federal statutes and regulations.
2. Standardized tests designed to measure aptitude, achievement, habits/skills and vocational interests shall become a part of each student's academic record.
3. Additional data shall include but need not be limited to disciplinary records of the student and required reports of evaluations of exceptional students (i.e., gifted, disabled, etc.) when such reports are necessary for placement/special services for such student. This shall also include reports for children with disabilities who have not yet become students (i.e., preschool or unserved).
4. Court disposition records shall be included following specific procedures for receipt, dissemination, maintenance and retention specified in Code of Virginia §§16.1-305.1, 22.1-288.2, 22.1-289.

Court Disposition Records-Receipt of the Notice, Virginia Code §16.1-305.1

The Virginia Code requires that when a juvenile is adjudicated delinquent or convicted of certain crimes, the clerk of the court must provide written notice of the disposition ordered by the court to the division superintendent of the school division in which the child is enrolled at the time of the disposition or, if he/she is not then enrolled in school, the division in which he/she was enrolled at the time of the offense. This notice must be sent within fifteen (15) days of the disposition if an appeal has not been filed. Further disclosure of this information by the division superintendent to the school personnel is authorized only as provided in §22.1-288.2. Notices of disposition will be sent to superintendents when a student is convicted or adjudicated delinquent of one of the following crimes:

1. a firearm offense;
2. homicide;
3. felonious assault and bodily wounding;
4. criminal sexual assault;
5. manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances;

6. manufacture, sale or distribution of marijuana;
7. arson and related crimes;
8. burglary and related offenses; or
9. robbery.

Dissemination, Virginia Code §22.1-288.2

The Code requires that the division superintendent disseminate the notice or information contained in the notice 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 only:

1. if the student poses a danger to himself or others; or
2. to facilitate the student's appropriate educational placement or other educational services.

If disciplinary action is taken by the school division in regard to the incident upon which the adjudication or conviction was based, the school division must provide written notice to the parent, guardian or other person having control or charge of the student of the disciplinary action and the reason it was taken. With the consent of the parent or guardian, or in compliance with a court order, the school division must also notify the court of the action. In addition, the parent or guardian must be notified of his or her right to review and to request amendment of the student's education record.

Maintenance, Virginia Code §§ 22.1-288.2, 22.1-289

If either school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication or conviction, the court notice must become a part of the student's disciplinary record. If the school division does not take disciplinary action, the notice and information contained therein must be maintained separate from all other records concerning the student. Further, if the notice refers to an incident which did not occur on school property or during a school-sponsored activity, it does not become part of the student's education record.

Retention, Virginia Code §22.1-289

Any notice of disposition shall not be retained after the student has been awarded a diploma or certificate.

Maintenance/Disposition of Data

1. Data shall be maintained and disposed of in accordance with *Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia* and the *Poquoson City Public Student's Scholastic Schools Records Manual*. Any other data not included in this provision is destroyed five years after the student withdraws or graduates.
2. Parents or eligible students have the right to be provided with copies of any of the student's education record data prior to their destruction, upon written request.
3. No scheduled school records shall be destroyed without the authorization of the division superintendent or designated records manager on appropriate forms developed by the Virginia State Library and Archives.

Access and Administration of Security

Each principal, or a designated professional, shall be responsible for student records content, maintenance, access, security, use and disclosure. All personnel having access to student records shall receive periodic training applicable to federal and state laws, regulations and policies and procedures for management of education records, and in security with emphasis upon privacy rights of students and parents. Student records are to be kept in a secure location in the individual school building in which the student is enrolled.

The principal of each school (see Parent-Student Handbook for address) is responsible for the records maintained within his school. Access to pupil records is limited to those persons as specified in the Virginia Code § 22.1-287, including: adult clerical personnel; eligible student; parent; principal or designee of the school the student attends, has attended, or intends to enroll; professional personnel (within school or school division); federal, state and local officials as authorized by law; and others who have the written permission of parent or eligible student. A current listing of names and positions of employees within the school division who have access to student education records is available for inspection on request to the director of instruction. Both natural parents, regardless of custody status, have the right of access to all student records in the absence of a court or medical order to the contrary.

Eligible persons seeking access to cumulative records should notify the principal of the school attended by the student. Access will be arranged by the principal within five work days from the receipt of the request. Arrangements will be made for a staff member to be present to interpret the data if necessary. Parents who wish to have records released to specified individuals should request and authorize the release in writing.

Dissemination of Information Regarding Students

1. Directory Information . See School Board Policy 7-1.4 and Definitions section, above.
2. Except in compliance with applicable law, a judicial order or orders of administrative agencies where these agencies have the power of subpoena, the custodian of student records shall not release information gathered by a non-school agency.
3. When a student reaches the age of eighteen and no longer is attending Poquoson City Public Schools, or is married (whether age eighteen or not), his consent alone must be obtained. This includes the right to deny parental access to his records.

Without prior written consent, student education record information shall be disclosed to school personnel, to appropriate persons in an emergency, for audits or approved research where personally identifiable information is excluded, to protective services personnel, or when requested if a student transfers to another school or post-secondary education. When the student record is transferred by request from another school division, the school shall provide written notice of the transfer, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is eighteen years of age or older within five (5) calendar days of the date in which the record was transferred.

The school shall transfer a student's record to the Department of Correctional Education when the division superintendent is notified that a student within the school division is enrolled in an education program in a learning center. This requirement also specifically applies to students who are in education programs in jails and detention centers. The Department of Correctional Education must notify the division superintendent when a student has been released from a learning center and transfer the student's education record to the school division within five (5) days of a request from the division superintendent or his/her designee. A record must be kept of all persons, agencies or organizations outside the school division requesting access to a student's record. The record must indicate the legitimate interest of the person making the request and whether or not it was granted.

Challenges to Records or Portions of Records

Eligible students and/or parents have a right to challenge records or portions of records which they believe to be incorrect. The right of challenge does not mean that any record so challenged must be changed or removed by school administrators. When such a challenge is not resolved to the complainant's satisfaction and a formal hearing is requested, the School Board shall conduct a review and or a hearing as described in Policy 7-1.4.

Transfer of Scholastic Records

Within the School Division

The record shall follow the student from school to school in order to show a pattern in the student's development.

Outside the School Division

When a student transfers to another school division or post-secondary education, a transcript of this 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 school in which he seeks or intends to enroll.