Ordinance 2025-26-68

Section 9-23.2. **Definitions. —** A. For the purpose of this policy, Suffolk Public Schools has used the following definitions or terms:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

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

(i) 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;

(ii) records created and maintained for law enforcement purposes by the 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;

(iii) in the case of persons who are employed by the 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 the person's capacity as an employee;

(iv) 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;

(v) grades on peer-graded papers before they are collected and recorded by a teacher; ~~and~~

(vi) 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 backup 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~~.~~; and

(vii) if the student or student's parent participates in the Address Confidentiality Program pursuant to Va. Code § 2.2-515.2, the student's street address or route number is not part of the student's educational records.

Electronic communications via emails or facsimiles regarding any matter associated with a child with disabilities, including matters related to Individualized Education Plan (IEP) meetings, disciplinary actions, or service delivery, are part of the child's educational record.

(6) "Eligible student" means a student who has reached age 18.

(7) "Parent" means 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.

(8) "Student" means any person who attends or has attended a school in Suffolk Public Schools regarding whom Suffolk Public Schools maintains education records or personally identifiable information. (Adopted February 9, 1999; Revised May 13, 1999; Revised November 9, 2006; Ordinance Number 06/07-6; Effective Date: July 1, 2007; Revised June 13, 2013; Ordinance Number 12/13-127; Effective Date: July 1, 2013; Ordinance Number 21/22-27; Revised: November 4, 2021; Ordinance 24/25-67; Revised/Effective: January 16, 2025)

Legal Authority – Virginia Code §22.1-289 (1950), as amended.