

STUDENT SERVICES

File: JO-R

STUDENT RECORDS

Charlottesville City Schools shall maintain accurate and complete individual, permanent and cumulative records for every student enrolled in the public schools. These records shall include cumulative and confidential information and shall be the student's official school record. Such records, identified as education records in Title 20, Section 1232g of the United States Code and in Chapter 14 of Title 22.1 of the Code of Virginia, 1950, as amended, shall be maintained in compliance with all federal and state law.

- A. The Director of Student Services and Achievement shall be responsible for record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents.
- B. The Director of Student Services and Achievement, on behalf of the Superintendent, shall also provide for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of the Charlottesville City Schools written policy and procedure on the management of the education records and their location.
- C. The principal or designee shall be present for interpretation and explanation of student records when all parties have access to those records with the exception of designated professional personnel within the school division. At each school, the principal is responsible for the assignment of a person to provide the interpretation within the building.
- D. The Director of Student Services and Achievement shall provide for the periodic evaluation of records by the professional personnel and the removal of data no longer educationally useful. The Director of Student Services and Achievement shall provide information to each school regarding the required retention and disposition of student records.
- E. Parent(s) of students and eligible students shall be informed prior to destruction of records and provided a copy if desired.
- F. The Charlottesville City Schools will provide a copy of Policy JO on request to a parent or eligible student.
- G. For this regulation, the definition of Education or Scholastic Record is as follows:

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Education records - any record (in handwriting, print, computer media, video or audio tapes, film, microfilm, microfiche or other medium) maintained by the Charlottesville City Schools or an agent of the school division which is directly related to a student, **except**:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record, used only as a personal memory aid, and is not accessible or revealed to another person except a temporary substitute for the maker of the record.
2. Records created and maintained for law enforcement purposes by the Charlottesville City Schools law enforcement unit, if any. A law enforcement unit is an individual, department or office of the school division that is authorized to enforce any state or federal law, report enforcement matters to appropriate authorities or maintain the physical security and safety of the school division.
3. An employment record which is used only in relation to a student's employment by the Charlottesville City Schools.
4. 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.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

DISSEMINATION OF INFORMATION ABOUT COURT PROCEEDINGS

A. Adjudications

1. The Superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code 16.1-260.G. contained in a notice received pursuant to Section 16.1-305.1 of the Code of Virginia, 1950, as amended, to the school principal where the student is enrolled.
2. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

B. A parent, guardian, or other person having control or charge of a student and with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code Section 16.1-260 was based and the reasons therefore.

C. The parent shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

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- D. Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code Section 16.1-260 received by the Superintendent, and information contained in the notice, which is not a disciplinary record as defined in Virginia Board of Education regulations, shall be maintained by the Superintendent or designee and by any others to whom he/she disseminates it, separately from all other records concerning the student.
- E. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code Section 16.2-260, the notice shall become a part of the student's disciplinary record.
- F. Petitions and Reports

The Superintendent or designee shall not disclose information contained in or derived from a notice of petition received pursuant to § 16.1-260 except as follows:

- if the juvenile is not enrolled as a student in one of Charlottesville City Schools to which the notice or report was given, the Superintendent or designee shall promptly notify the intake officer of the juvenile court in which the petition was filed and may forward the notice of petition to the Superintendent of the division in which the juvenile is enrolled, if known;
- prior to receipt of the notice of disposition, the Superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the Superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students or school personnel within the division; and
- The principal may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other education services.
- The Superintendent may disclose information regarding a report received pursuant to Va. Code § 66.25.2:1 to the principal if he/she believes it is necessary to ensure the physical safety of the student, other students, or school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

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ANNUAL NOTIFICATION

A. All parents and eligible students shall receive annually, at the beginning of the school year or when enrolled, their rights under the Family Educational Rights and Privacy Act (FERPA) including:

- the right to inspect and review the student's educational records and the procedure for exercising this right;
- the right to request amendment of the student's educational records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedures for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- the type of records designated as directory information and the right to opt out of release of directory information;
- that the school division releases records to other institutions that have requested the information and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

B. The annual notices will be prepared and disseminated to the schools from the Office of Special Education and Student Services to be sent home as a part of the opening of school information.

PROCEDURE TO INSPECT EDUCATION RECORDS

A. Parents of students or eligible students may inspect and review the student's education records within a reasonable period of time, which shall not exceed 45 days, and before any meeting regarding an IEP or hearing involving a student with a disability.

B. The principal or special education case manager shall be available to interpret any records necessary prior to any meeting involving a student with a disability.

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- C. Parents or eligible students should submit to the principal a written request identifying as precisely as possible the record or records he or she wishes to inspect.
- D. The principal (or appropriate school official) will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected.
- E. When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.
- F. The principal may provide records with information redacted if doing so does not breach the confidentiality of other students involved.

COPIES OF EDUCATION RECORDS

- A. Although the Charlottesville City Schools cannot deny parents access to their children's education records, the Charlottesville City Schools will not provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.
- B. If copies are requested, the principal or program administrator may charge a fee for the copies as described in the next section. Exceptions for charges are also described in the section.

FEEES FOR COPIES OF RECORDS

- A. A fee of \$.10 per page may be charged for copies of educational records.
- B. The actual cost of copying time and postage will be charged. The Charlottesville City Schools shall not charge for search and retrieval of the records.
- C. The Charlottesville City Public Schools shall not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

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TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS

- A. The Charlottesville Public Schools shall provide parents, when requested, a list of the types and locations of education records collected, maintained, or used by Charlottesville City Schools.
- B. The following is a list of the types of records that the Charlottesville City Public Schools maintain, their locations, and their custodians. This list is not intended to include all records but serves as an example.

Types	Custodian	Information
Demographics	Principal/Designee	Student ID, address, living arrangements, ethnicity, etc.)
Standardized test scores	Principal/Designee	SAT-9 or 10 scores, SOL scores Any additional test scores
Attendance	Principal/Designee	Withdrawal/reentry history
Special Education	Principal/Designee	Evaluations, eligibility information, IEP, etc.
Federal Program	Principal/Designee	Title I evaluations and reports
Free/Reduced meal info.	Principal/Designee	Eligibility for programs
Discipline	Principal/Designee	Discipline referrals and/or notifications
Promotion/Retention	Principal/Designee	Grades, transcripts
Graduation data	Principal/Designee	transcripts

- C. Each student attending Charlottesville City Schools has the complete student record located at the school of attendance.
- D. School officials working directly with individual parts of the educational program may have access to and possession of individual data for students; however, the school record is the official record for the student.
- E. Records maintained in other departments are considered duplicates and if conflicting records are located, the school record is the official record.

DISCLOSURE OF EDUCATION RECORDS

- A. Charlottesville City Schools shall disclose education records or personally identifiable information contained therein only with the written consent of the parent or eligible student subject to the following exceptions.

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B. Charlottesville City Schools may disclose education records information without consent:

1. To school officials who have a legitimate educational interest in the records.

A school official is:

- A person employed by the Charlottesville City School Board as an administrator, supervisor, instructor, or support staff member.
- A person appointed or elected to the School Board.
- A person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
- A contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education records.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. If records or information are released under this provision, the student's parents will be notified of the release, receiving a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.

3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.

4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

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5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or designee may disclose identifying information from a pupil's scholastic record to 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 his duties; an officer or employee of a county or city agency responsible for protective services to children as a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies and the Department of Juvenile Justice and to the staff of such agencies. Prior to the disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or designee 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 pupil or by such pupil if the pupil is eighteen years of age or older.
6. To organizations conducting certain studies for or on behalf of Charlottesville City Schools as described in Policy JO.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the Charlottesville City Schools releases information in connection with an emergency, it will record the following information:
 - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
 - the parties to whom the division disclosed the information.
11. Directory information so designated by the school division.

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12. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.
- C. Charlottesville City Schools will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

AUDIT OR EVALUATION OF EDUCATION PROGRAMS

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connect with an audit, or evaluation of federal-or state-supported educational programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Descriptions of criteria for audits or evaluations in included in Policy JO.

MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING

- A. Charlottesville City Schools will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.
- B. A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written parental consent.
- C. As a part of the opening of school information, Charlottesville High School will notify parents of the option and process to make a request. The school will comply with any requests received.
- D. The Charlottesville High School Principal or designee will provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

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RECORD OF DISCLOSURE

- A. The Charlottesville City Schools shall maintain a record, kept inside the education records of each student, indicating all individuals (except school officials who have a legitimate educational interest in the records), agencies, or organizations which request or obtain access to a student's education records.
- B. The Access to Education Records Form will indicate specifically the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.
- C. The requirements related to records of requests for disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 2331 or other acts listed in 18 U.S.C. § 2332b(g)(5)(B).
- D. Personal information for any student will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.
- E. If a third party permits access to information, or fails to destroy information, Charlottesville City Schools will not permit access to information from education records to that third party for a period of at least five years.

DIRECTORY INFORMATION

- A. The Charlottesville City School Board shall notify parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information.
- B. Parents and eligible students may not use the right to opt out of directory information disclosures to
 - 1) prevent disclosure of the student's name, identifier, or institutional email address in a class in which the student is enrolled; or

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2) prevent an educational agency or institution from requiring the student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

C. Directory Information is defined as follows:

Student's name
Participation in officially recognized activities and sports
Address
Telephone listing
Weight and height of members of athletic teams
Electronic mail address
Photograph
Degrees, honors, and awards received
Date and place of birth
Major field of study
Dates of attendance
Grade level
The most recent educational agency or institution attended

CORRECTION OF EDUCATION RECORDS

- A. The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows:
1. Parents or the eligible student must request in writing that the Charlottesville City Schools amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
 2. The person responsible for the record shall decide whether to amend the record in accordance with the request within a reasonable period of time. If the school official decides not to comply, the school official shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
 3. Upon request, the principal or other school official making the decision shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.

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4. The parent or eligible student may, at his or her own expense, be assisted or be represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer (Director of Student Services and Achievement) who is a disinterested party; however, the hearing officer may be an official of Charlottesville City Schools. The Superintendent shall designate the hearing office. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. The hearing officer shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
7. If Charlottesville City Schools decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If the decision of the hearing officer is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the hearing officer will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

CONFIDENTIALITY OF HIV AND DRUG AND ALCOHOL TREATMENT RECORDS

- A. Charlottesville City Schools shall comply with the confidentiality requirements of Section 32.136.1 of the Code of Virginia, 1950, as amended, providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, Charlottesville City Schools shall maintain confidentiality of drug and alcohol treatment records as required by federal and state law.

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Legal References: 18 U.S.C. §§ 2331,2332b
20 U.S.C. §§1232(g), 7908
42 U.S.C. § 290dd-2
34 C.F.R. 99.3, 99.7, 99.10, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33,
99.34, 99.35, 99.36, 99.37

Code of Virginia, 1950, as amended, sections 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23-2.1:3, 32.1-36.1

8 VAC 20-80-10 et seq.
8 VAC 20-150-10 et seq.

Cross Reference: IJ Guidance and Counseling Program
JEC School Admission
JEC-R School Admission
JECA Admission of Homeless Children
JFC Student Conduct
JGDA Disciplining Students with Disabilities
JGD/JGE Student Suspension/Expulsion
JHCB Student Immunizations
JHCD Administering Medicines to Students
KBA-R Requests for Information
KBC Media Relations
KNB Reports of Missing Children
KP Parental Rights and Responsibilities
LEB Advanced/Alternative Courses for Credit