

## STUDENT SERVICES

File: JO

### STUDENT RECORDS

The Charlottesville School Board 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 the 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.

The Superintendent and/or his designee(s) shall be responsible for the collection of data, 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. 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.

The Superintendent or his/her designee(s) 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. The Superintendent shall provide for the periodic evaluation of records by the professional personnel and the removal of data no longer educationally useful. Parent(s) of students and eligible students shall be informed prior to destruction of records and provided a copy if desired.

#### Definitions

For the purposes of this policy, the Charlottesville City Schools has used the following definitions:

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.

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

## STUDENT SERVICES

File: JO  
Page 2

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 identity 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.

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 child'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.

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.

Education records—any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the Charlottesville City School Board or an agent of the school division which contains information directly related to a student, except

- 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;
- records created and maintained for law enforcement purposes by the Charlottesville City 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;
- in the case of persons who are employed by the Charlottesville City School Board but who are not in attendance at a school in the division, records made

## STUDENT SERVICES

File: JO  
Page 3

- and maintained in the normal course of business which relate exclusively to the person in his capacity as an employee;
- 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;
  - grades on peer-graded papers before they are collected and recorded by a teacher;
- And 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 back-up 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.

Eligible student—a student or former student who has reached age 18

Parent—a parent of a student, including a natural parent, a guardian, an individual acting as a parent in the absence of parent or guardian.

Student—any person who is or has been in attendance at Charlottesville City Public Schools regarding whom the school division maintains education records or personally identifiable information.

### DISSEMINATION OF INFORMATION ABOUT COURT

#### PROCEEDINGS Adjudications

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 Va. Code § 16.1-305.1 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. 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.

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. The parent

## STUDENT SERVICES

File: JO  
Page 4

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

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G. of Va. Code Section 16.1-260 received by a Superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him/her and by any others to whom he/she disseminates it,

separately from all other records concerning the student. 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.

Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in Va. Code §22.1-253.13:4. Petitions and Reports

The Superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

- if the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the Superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department which sent the report 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 in accordance with Va. Code § 16.1-305.1, 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. 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.

If the Superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66.25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the

## STUDENT SERVICES

File: JO  
Page 5

information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

### ANNUAL NOTIFICATION

The school division shall notify, at least annually, the parents of students in attendance (including those parents identified as having a primary or home language other than English) and eligible students 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 information 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 records 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 of 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.

### PROCEDURE TO INSPECT EDUCATION RECORDS

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. Further, parents shall have the right to a response from the school division to reasonable requests for explanations and interpretations of the education record.

## STUDENT SERVICES

File: JO  
Page 6

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect. 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. When a record contains information about students other than a parent's child or the eligible student, the parent may not inspect and review the portion of the record which pertains to other students.

### COPIES OF EDUCATION RECORDS

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.

### FEES FOR COPIES OF RECORDS

The fee for copies will be .10 per page. The actual cost of copying and postage will be charged. The Charlottesville City Schools shall not charge for search and retrieval of the records. 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 hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

### TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS

The Charlottesville City Schools shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types of records that the Charlottesville City Public Schools maintain, their locations, and their custodians.

Types	Custodian	Information
Demographics	Principal/Designee	Student ID, address, living arrangements, ethnicity, etc.
Standardized test scores	Principal/Designee	CogAT 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

## STUDENT SERVICES

File: JO  
Page 7

Discipline	Principal/Designee	Discipline referrals and/or notifications
Promotion/Retention	Principal/Designee	Grades, transcripts
Graduation Data	Principal/Designee	Transcripts

Each student attending Charlottesville City Schools has the complete student record located at the school of attendance. 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. DISCLOSURE OF EDUCATION RECORDS

The 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. The school division 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 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.

## STUDENT SERVICES

File: JO  
Page 8

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-
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.
5. For the purposes 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 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 studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which



## STUDENT SERVICES

File: JO  
Page 9

- specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
  - requires the organization to use personally identifiable information from educational records only to meet the purpose or purposes of the study stated in the written agreement;
  - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
  - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
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 school division 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.
  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.

The school division 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.

#### UNAUTHORIZED DISCLOSURE OF ELECTRONIC RECORDS

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation of federal or state law applicable to such information, the school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

#### DISCLOSURE TO FEDERAL AGENCIES

Notwithstanding any other provision of law or policy, no member or employee of the Charlottesville City School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

#### DISCLOSURE OF INFORMATION RELATING TO HOME INSTRUCTED STUDENTS

Neither the Superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B.1 of Va. Code § 22.1-254. However, the Superintendent or School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the Superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

#### 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 connection 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.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the individual or entity as an authorized representative;
- specifies the personally identifiable information to be disclosed, specifies that the purposes for which the personally identifiable information is disclosed to the authorized representative is to carry out an audit or evaluation of federal or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31 (a)(3) including a description of how the personally identifiable information will be used;
- requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
- specifies the time period in which the information must be destroyed; and
- established policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally identifiable information from further disclosure and unauthorized representatives with legitimate interests in the audit or evaluation of a federal or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

#### MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING

The Charlottesville City Schools provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student.

The school division notifies parents of the option to make a request and complies with any request.

The school division provides 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.

#### RECORD OF DISCLOSURE

The Charlottesville City Schools shall maintain a record, kept with 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. The records 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 his assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

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. § 2332 b(g)(5)(B).

Personal information 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. If a third party permits access to information, or fails to destroy information, the division will not permit access to information from education records to that third party for a period of at least five years.

#### DIRECTORY INFORMATION

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. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosure of directory information will be limited to those specified in the public notice.

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 2) prevent an educational agency or institution from requiring the student to wear, or 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. Directory information is defined as follows:

- Student's name
- Participation in officially recognized activities and sports

## STUDENT SERVICES

File: JO  
Page 13

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

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. Charlottesville City Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division 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, Charlottesville Schools 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.
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 who is a disinterested party; however, the hearing officer may be an official of the school division (Director of Student Services and Achievement). The parents or eligible student shall be afforded

## STUDENT SERVICES

File: JO  
Page 14

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. Charlottesville City Schools 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 Charlottesville City Schools decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it 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

The 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, the school division shall maintain confidentiality of drug and alcohol treatment records as required by federal and state law.

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STUDENT SERVICES

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Legal References: 18 U.S.C. §§ 2331, 2332b.  
20 U.S.C. §§1232g, 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, §§ 2.2-3704, 2.2-3804, 16.1-260,  
16.1-305.1, 16.1-305.2, 22.1-254.1, 22.1-287, 22.1-287.01, 22.1-287.02,  
22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-  
36.1.

Cross References: 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  
JOA Student Transcripts  
JRCA School Service Providers' Use of Student Personal  
Information  
KBA-R Requests for Information  
KBC Media Relations  
KNB Reports of Missing Children  
KP Parental Rights and Responsibilities  
LBD Home Instruction  
LEB Advanced/Alternative Courses for Credit