

## STUDENTS

### Disclosure/Access to Student Educational Records

#### I. Rights of Parent(s)/Guardian(s), or Eligible Students, to Review and Inspect Their Student's Educational Record

Consistent with Regulation 794-1, Resolution of Conflicts Between Parents Over School Issues, it is presumed that both parents have the right to review and inspect their student's educational record, unless there is a signed court order stating otherwise. Requests for review and inspection of a student's educational record should be made directly to the school principal or designee. Consistent with federal law, the Division shall comply with a request from a parent/guardian, or eligible student (a student 18 years old or older), to review and inspect their student's educational record within a reasonable time, but not to exceed 45 calendar days, after receipt of the request. If the student's educational record includes information on more than one student, the parent(s)/guardian(s), or eligible student, of that student shall have the right to review and inspect only that part of the educational record relating to their student.

The right to review and inspect a student's educational record includes: (1) the right to a response from the Division to reasonable requests for explanations and interpretations of the educational record; (2) the right to request that the Division provide copies of the educational records at a reduced cost or no cost, if failure to provide the copies would effectively prevent the parent(s)/guardian(s), or eligible student, from exercising the right to inspect and review the educational records; and (3) the right to have a representative of the parent/guardian or eligible student inspect and review the educational records, if the representative can provide advance written consent from the parent/guardian or eligible student prior to disclosure.

If there is an upcoming meeting regarding a student's Individualized Education Program (IEP) or hearing relating to the identification, evaluation, or educational placement of a student, or to the provision of a free appropriate public education, any request by a parent/guardian, or eligible student, to review and inspect their student's educational record shall be granted as soon as possible before the meeting. Such review and inspection shall take place before the upcoming meeting, and at the school of record during the school's regular hours of operation.

Under federal law, when a student reaches the age of 18, the review and inspection rights accorded to, and the consent required of, a parent(s)/guardian(s) transfer from the parent(s)/guardian(s) to the student. However, federal law does not prohibit the Division

from disclosing to the parent(s)/guardian(s) the educational records of their eligible student without the eligible student's prior written consent, if the disclosure is:

- To a parent(s)/guardian(s) of a dependent student; or
- In connection with a health or safety emergency involving the student, or other students or school staff.

A. Recordkeeping of Access to Student Educational Records

With the exception of a disclosure of an educational record made to building administrators, school guidance counselors, adult clerical personnel charged with the responsibility of record maintenance, and any Division staff member with direct instructional responsibilities for a specific student, the student's school shall keep an access log, reflecting the name, signature, date, and reason, of all school and Division personnel and any other parties reviewing and/or inspecting the student's educational record collected, maintained, or used by the student's school. However, pursuant to federal law, a school shall not record on the access log a disclosure of a student educational record made pursuant to an ex parte court order issued under the USA Patriot Act, if the court order specifically prohibits such recordation.

B. Transcript Copy Fee

1. No charge for first three (3) transcripts issued by the school of record.
2. \$2.00 per copy for additional transcripts issued by the school of record.
3. \$2.00 per copy for each transcript issued by the Prince William County Public Schools Records Center.

C. Student Educational Record Copy Fee

There is no charge for the review and inspection of a student's educational records by a parent(s)/guardian(s), their designee (who provides advance written consent of the parent/guardian or eligible student prior to disclosure), an eligible student, or those to whom scholastic records may be disclosed as identified in Part II of this regulation.

Upon request, copies of educational records maintained either at the school site or the Records Center shall be provided to a parent/guardian, a designee with

advance written consent, or an eligible student. There is no fee for search and retrieval of a student's educational record, but there may be a charge for duplicating such records. The minimum fee for copies of a student's educational record shall be \$5.00, up to and including the sixth page (one-sided), and \$.20 per side for any additional pages. However, in accordance with the Virginia Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia, there is no charge for copying an Individualized Education Program (IEP) currently in effect.

Consistent with federal law, in the event that the imposition of a copy fee effectively prevents a parent/guardian, or an eligible student, from exercising the right to inspect and review the student's educational records, the fee shall be waived or reduced, depending on the size of the copying request.

D. Method of Payment for School-Based Copies

Cash or money order payment for a student transcript(s) or educational record(s) provided by the school of record is to be paid directly to the school, prior to receipt of the requested copies. Money orders should be made for the exact amount, and made payable in the school's name.

E. Method of Payment for Records Center-Based Copies

Cash or money order payment for a student transcript(s) or educational record(s) provided by the Records Center is to be paid directly to the Records Center, prior to receipt of the requested copies. Money orders should be made for the exact amount, and made payable to the Records Center.

II. Access to Student Educational Records by Division Personnel

In addition to the parent/legal guardian, representative with advance written consent, or an eligible student, a student's educational record shall be accessible, without consent, to Division personnel at the school and/or in a Division department(s) who have a legitimate educational interest for personally identifiable information contained in a student's educational record.

III. Access to Student Educational Records by Third Parties

Generally, release of a student's educational record to a third party requires advance, written consent from the parent/legal guardian or eligible student. The written consent

must specify the records to be disclosed, the purpose of the disclosure, and the party/parties to whom the disclosure is to be made. However, under certain circumstances and applicable state and federal laws, documents contained in a student's educational record may be released without advance written consent to a third party through judicial orders or lawfully issued subpoenas, to other agencies, such as Child Protective Services, and to federal and state governmental entities.

Information within a student's educational record may only be released to a School Resource Officer in situations involving (1) the investigation of a student disciplinary matter; (2) the ability of the Juvenile Justice System to effectively serve a student prior to adjudication; (3) in connection with an identifiable emergency to protect the health and safety of the student or other individuals; or (4) in response to a judicial order or lawfully issued subpoena, but only after the parents and the student are notified before the disclosure, with the exception of disclosures made pursuant to an ex parte court order issued under the USA Patriot Act.

A. Judicial Orders and/or Lawfully Issued Subpoenas

Subpoenas received by the Division for student educational records shall be processed under Part III of Regulation 913-1, Service of Legal Process, Summons and Subpoenas Upon School Division Personnel or for School Division Records, consistent with state and federal law. When a subpoena for a student educational record is received and before the Division determines whether to produce the responsive documents, every effort shall be made to notify the parent/guardian of the student, or an eligible student, of the subpoena and the contents of the responsive documents in order to provide the parent(s)/guardian(s), or eligible student, a reasonable opportunity to seek protective action from the court and prevent disclosure of the documents. If, after notification, the parent(s)/guardian(s), or eligible student, chooses not to seek protective action, or if the court does not grant protective action, the Division shall produce the documents to comply with the subpoena.

However, pursuant to federal law, a school shall not notify the parent(s)/guardian(s), or eligible student, of the disclosure of a student's education record made pursuant to an ex parte court order issued under the USA Patriot Act, if the court order specifically prohibits the school from giving such notice.

B. Outside Governmental Entities

State and federal student privacy laws provide certain exemptions where advance written consent of the parent/guardian or eligible student is not required before the Division may disclose student educational records to certain state or federal government officials or entities under certain circumstances. However, prior to disclosure, the Division shall notify the parent/guardian or eligible student of a request for disclosure of educational records of identifiable students.

C. Requests Under the Virginia Freedom of Information Act (FOIA)

Student educational records may not be requested under FOIA, and shall be processed in accordance with Part II of Regulation 912-1, Public Access to Information and Documents, consistent with state law.

IV. Access to Student Educational Records Maintained by the Records Center

A. Accessing Student Educational Records

After a student graduates or withdraws from the Division, that student's educational record is transmitted to the Records Center for storage and retention, consistent with applicable state retention schedules. Once a student educational record has been transmitted to the Records Center, the Records Center shall be responsible for maintaining an access log, reflecting the name, signature, date, and reason, of any person reviewing or inspecting an educational record. However, pursuant to federal law, a school shall not record on the access log a disclosure of a student educational record made pursuant to an ex parte court order issued under the USA Patriot Act, if the court order specifically prohibits such recordation.

Other than from direct inspection of a specific student's educational record, disclosure of directory information may be derived from other types of records maintained in the Records Center, which can be disclosed without advance written consent. However, for student educational records and other records containing non-directory information about more than one student, a parent/guardian or eligible student shall have the right to inspect and review only the information relating to their student or to be informed of that specific information. Items designated as directory information are set out in Regulation 790-3, Release of Directory Information, and are published annually in the "Code of Behavior."

B. Transmitting an Educational Record Out of the Records Center

If a student returns to a school in the Division, the Records Center shall reinstate that student's educational record to active status, and, upon request, transmit the record to the school where the student is returning. The Records Center shall also forward the applicable part of the student's educational record to the Office of Student Services as notification of the student's return to the Division.

For a student transferring to another school division or enrolling in a college or university, the Records Center shall provide copies of the student's educational record to the requesting school. Consistent with federal and state law, the Records Center does not need advance written consent of the parent/guardian or eligible student prior to the records transfer, nor needs to notify parent/guardian or eligible student of the records transfer.

If a parent/guardian or eligible student needs that student's educational record to be transmitted to an entity other than a transferring school division or entering college or university, an authorization for the release of such record from the Records Center must be completed and submitted to the Records Center prior to disclosure using one of the following methods:

1. The Record Reference Request used by schools and other authorized requestors within the School Division (Form No. 7530-0264);
2. A release form signed by an eligible student or parent/guardian (See Attachment I, Authorization for Release of Educational Record); or
3. A written request signed by an eligible student or parent/guardian indicating the specific parts of the student's educational record that are to be sent, the purpose for the disclosure, and the name and address of the intended recipient of the educational record. In addition, the written request must also contain the following information:
  - a. The printed name and signature of requesting individual;
  - b. The full name used by the student when last enrolled in the Division;
  - c. The student's date of birth;
  - d. The name of school the student last attended; and
  - e. The year the student graduated or the date the student was withdrawn from the Division.

This written request should be submitted to: Records Center, Prince William County Public Schools, P.O. Box 389, Manassas, VA 20108.

The Records Center shall also maintain any release forms (Attachment A) or written requests signed by the parent/guardian or eligible student which permit the Records Center to transmit an educational record to entities outside the Division.

Principals (or designees), the Records Management Specialist (or designee), the appropriate Level Associate Superintendent(s) (or designee), and the Associate Superintendent for Student Learning and Accountability (or designee) are responsible for implementing and monitoring this regulation.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for reviewing this regulation in 2012.

AUTHORIZATION FOR RELEASE OF EDUCATIONAL RECORD

To: Records Center  
Prince William County Public Schools  
P.O. Box 389  
Manassas, VA 20108

I hereby give permission for the release of records contained in the educational record

of \_\_\_\_\_.  
Name of Student

Student's date of birth \_\_\_\_\_

Name of school student last attended \_\_\_\_\_

Did the student graduate or withdraw from Prince William County Public Schools? \_\_\_\_\_

If so, the date the student graduated or withdrew \_\_\_\_\_

Student's Social Security Number \_\_\_\_\_

The student records to be disclosed may include the categories of information checked:

- Scholastic Records                       Test Scores
- Health Records                               Vital Statistics (age, DOB, parents, etc.)
- Other \_\_\_\_\_

Information on the following may not be released: \_\_\_\_\_

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The above identified records may be released to:

- Other schools and universities
- Prospective employers
- Others (specify) \_\_\_\_\_

\_\_\_\_\_  
Signature of student (if 18 years old or older)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of parent or guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address