STUDENTS

Definition and Amendment of Student Educational Records

I. Legal Definition of Student Educational Record

A. Under state and federal law, a “student educational record” means those records that are directly related to a student and are maintained by the School Division. Such records may be recorded and retained in any way, including, but not limited to, handwriting, print, computer media (including electronic communications), video or audio tape, film, microfilm, and microfiche. Examples of the types of student records which may be maintained by the School Division include, but are not limited to:

1. Cumulative/scholastic records;
2. Student enrollment records;
3. Student medical records (i.e., doctor’s notes, school nurse notes, HIV/AIDS records, health plans);
   Note: Medical and health records maintained by the School Division are subject to the privacy rules of the Family Educational Rights and Privacy Act of 1974 and are not subject to the privacy rules of the Health Insurance Portability and Accountability Act.
4. Special education records (i.e., evaluation, eligibility, provision of services, Individualized Education Programs);
5. Gifted education information;
6. Disciplinary records (i.e., referrals, behavior contracts, suspensions, expulsions, reassignments);
7. Student disability information (i.e., Section 504 Plans);
8. Home Language Surveys;
9. Assessment results (i.e., Standards of Learning, vocational testing);
10. Home instruction records;
11. Parent/eligible student waivers;
12. Custody documents and other court documents;
13. Law enforcement records;
14. Notices of court dispositions; and
15. Reports from agencies such as juvenile court, social services, etc.

B. Records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record are not educational records under federal and state law.
C. Throughout the School Division’s policies and regulations relating to student records, the terms “educational record” and “scholastic record” are used interchangeably.

II. Amending a Student’s Educational Record

A. Standards for a Records Amendment Request

Accurate and complete information for each student shall be maintained by the School Division in a student’s educational record. However, if a parent/guardian, or eligible student (student 18 years of age or older), believes that the student’s educational record contains information that is inaccurate, misleading, or in violation of the student’s privacy rights, the parent/guardian, or eligible student, may submit a written request identifying the specific part(s) of the educational record requested to be amended.

Note 1: This Records Amendment process does not apply to substantive challenges to a teacher’s grading process and/or substantive evaluation of a student’s academic performance, such as when a parent/guardian, or eligible student, wants to challenge a grade on a report card or transcript on the basis that the parent/guardian, or eligible student, believes that the student is entitled to a different grade. Those types of challenges may be processed only under the Academic Appeals provisions of Regulation 731-1, “Appeal of Student Matters.”

Note 2: This Records Amendment process also does not apply to challenges to the outcome of disciplinary proceedings held by the Office of Student Management and Alternative Programs (OSMAP) or the School Board and is not an avenue by which to challenge a disciplinary decision made by the School Board or recommended by OSMAP. Such challenges are governed by the Disciplinary Appeals provisions in Regulation 731-1, “Appeal of Student Matters,” and applicable provisions of the “Code of Virginia.”

B. Submission of a Records Amendment Request

The type of record(s) requested to be amended will determine to whom the amendment request should be submitted.

Requests to amend current student records relating to past disciplinary action either recommended by OSMAP, or taken by the Prince William County
School Board, shall be submitted to the Director of OSMAP.

Requests to amend records of current students shall be submitted to the student’s current school principal (or designee) or in circumstances involving a departmental record, to the appropriate Associate Superintendent (or designee).

Requests to amend records of former students shall be submitted to the FERPA Officer (or designee).

C. Decision on a Records Amendment Request

Within a reasonable time after receiving a written amendment request, the appropriate School Division official shall review the request and the identified records, and decide whether, under the standard set forth in Section II.A above, the record should be amended as requested. If the amendment request is granted in full, the School Division official shall inform the parent/guardian, or eligible student, in writing of his/her decision, and shall take the necessary actions to ensure the amendments are made. If the amendment request is denied either in full or in part, the School Division official shall inform the parent/guardian, or eligible student, in writing of his/her decision and of the right to request a hearing.

D. Hearing for Review of an Amendment Decision

If, after an amendment request is denied, the parent/guardian, or eligible student, requests a hearing, the School Division shall provide the parent/guardian, or eligible student, an opportunity to challenge the content of the student’s educational record on the grounds that the information contained in the educational record is inaccurate, misleading, or in violation of the student’s privacy rights.

Requests for a hearing on information in the student’s educational record identifying disciplinary action taken at the OSMAP and/or School Board level should be submitted in writing to the Director of OSMAP (or designee), who will assign the hearing request to an independent hearing officer for processing.

Requests for a hearing on information contained in the student’s educational record relating to a decision(s) of a student’s school principal (or designee) or School Division staff member should be submitted in writing to the Level Associate Superintendent assigned to the student’s school for processing.
If, after the hearing, the School Division official decides that the identified information is inaccurate, misleading, or in violation of the student’s privacy rights, the School Division official shall take the necessary actions to ensure the record is amended accordingly, and inform the parent/guardian, or eligible student, in writing of the amendment decision.

If, after the hearing, the School Division official decides that the identified information is not inaccurate, misleading, or in violation of the student’s privacy rights, the School Division official shall inform the parent/guardian, or eligible student, in writing of that decision, and of the right of the parent/legal guardian, or eligible student, to place a statement in the student’s educational record commenting on the contested information in the record, or stating why he or she disagrees with the decision of the Division official. If such a statement is placed in the student’s educational record, the Division shall maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever the Division discloses that part of the record to which the statement relates.

There is no further appeal process for requests to amend educational records.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

This regulation and any related policy shall be reviewed at least every five years and revised as needed.