

# ARTICLE I: GENERAL ADMINISTRATION

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## **POLICY 7-1.1 SCHOOL BOARD AUTHORITY TO REGULATE STUDENTS**

Virginia and federal law give the Hanover County School Board the power to make reasonable rules for the (1) governance of the schools, (2) management of the Board's business, and (3) supervision of the schools, including the regulation of student conduct while students are on school property, attending or participating in school activities and going to and returning from school.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-78.

*Recodified August 2000*

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## **POLICY 7-1.2 EQUAL EDUCATIONAL OPPORTUNITIES**

The Hanover County Public Schools' educational programs and services shall be designed to meet the varying needs of all students and shall not discriminate against any individual for reasons of race, religion, color, gender, national origin, disability, or on any other basis prohibited by law. Further, no student shall, on the basis of gender, be excluded from participating in, be denied the benefits of, be limited in the exercise of any right, privilege or advantage, or be subjected to discrimination under any educational program or activity conducted by the school division. The School Board encourages school division employees, patrons and students to report promptly all incidents of alleged discriminatory conduct, including acts of harassment and bullying.

In furtherance of this Policy, the School Board shall: (i) provide facilities, programs and activities that are accessible, usable and available to qualified disabled persons; (ii) provide a free, appropriate education, including non-academic and extracurricular services to qualified disabled persons; (iii) not exclude qualified disabled persons, solely on the basis of their disabilities, from any preschool, daycare, adult education or vocational programs; and (iv) not discriminate against qualified disabled persons in the provision of health, welfare or social services.

### **Sexual Harassment**

It is the policy of the School Board to maintain a working and learning environment for all of its employees and students which provides for fair and equitable treatment, including freedom from sexual harassment. No employee or student, male or female, shall harass another employee or student, male or female, by making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal or physical conduct of a sexual nature when (1) submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the employee or student, (2) such conduct creates an intimidating, hostile, or offensive working or learning environment, or (3) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs. As used elsewhere in this policy, the term "harassment" specifically includes sexual harassment unless the context implies otherwise.

### **Student Complaints Regarding Discrimination**

The division superintendent shall implement procedures for resolving complaints arising from alleged violations of Title IX of the Education Amendments of 1972, as amended, the Americans with Disabilities Act, and § 504 of the Rehabilitation Act of 1973.

The division superintendent shall designate at least one employee to coordinate the efforts of the school division to comply with and carry out its responsibilities for implementing the law, including investigation of any complaint of alleged noncompliance with the law or accompanying regulations. The school division shall notify students, parents of students and employees of the name, office address and telephone number of the Title IX compliance officer and the Section 504 compliance officer through the permanent, prominent display of posters prepared for this purpose, as well as any other appropriate communication channels, such as school handbooks and other school division publications.

The School Board shall implement specific and continuing steps to notify students and parents that it does not discriminate on the basis of gender in educational programs and activities and that it is required by Title IX not

to discriminate. The School Board shall implement specific and continuing steps to notify students and parents that it does not discriminate on the basis of disability in educational programs and activities.

### **Complaint Procedure**

Any employee or student who believes that he or she has been subjected to discrimination, harassment, including sexual harassment, or bullying should file a complaint of the alleged act immediately with the appropriate compliance officer. The reporting party should use the form attached to this Policy as Regulation 7-1.2(A). If the complaint is against the compliance officer, the complaint shall be filed with the division superintendent. If the complaint is against the division superintendent, the complaint shall be filed with the chairman of the School Board. The compliance officer shall request that the complaint be in writing. Refusal to put the complaint in writing shall not preclude an investigation of the complaint. The complaint should state in detail the basis for the complaint, the names of the persons involved and the dates of any specific incidents.

### **Investigation**

Complaints should be processed pursuant to this Policy and the accompanying regulations. However, nothing in this Policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination, harassment, or bullying as authorized by applicable law.

The compliance officer, with the assistance of other appropriate school division administrators, shall immediately undertake a thorough investigation of all reported incidents to determine the nature and extent of any alleged discrimination, harassment, or bullying. The investigation shall be completed as soon as practicable, but not later than 14 calendar days after receipt of the report. The investigating administrators will observe and preserve the confidentiality of the reporting party provided it does not interfere with the investigation or with the ability to take corrective action.

The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts in the matter. A written report shall be filed at the conclusion of any investigation of bullying, harassment, or discrimination regardless of the outcome of that investigation. Any employee or student with knowledge of the occurrence of bullying, harassment, or discrimination should notify the compliance officer, or the division superintendent or School Board chairman if the student or employee, for any reason, does not wish to report such an occurrence to the compliance officer.

Any administrator, teacher or other employee or student who is determined after appropriate investigation to have engaged in sexual harassment of another employee or student, or to have engaged in other prohibited behavior toward another employee or student, will be subject to disciplinary action appropriate to the offense, from a warning up to and including expulsion or discharge.

False charges of sexual harassment or other prohibited behavior shall be treated as a serious offense and those persons making false charges shall be subject to disciplinary action.

Retaliation against anyone reporting or thought to have reported sexual harassment, or other prohibited behaviors, is prohibited. Any individual filing a complaint of discriminatory behavior, including harassment and bullying, is assured that he or she will be free from any retaliation from filing such a complaint. Retaliators will be subject to discipline up to and including expulsion or discharge. Retaliation shall be considered a serious violation of this Policy and shall be independent of whether a charge or informal complaint of discriminatory behavior is substantiated. Encouraging others to retaliate also violates this Policy.

**LEGAL REFERENCE:** Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended (P.L. 93-568 and P.L. 94-482); 34 C.F.R. §§ 100.6-100.11; 34 C.F.R. 101.1-101.131, 34 C.F.R. 106.1-106.7; 45 C.F.R., Parts 81, 86; Americans with Disabilities Act, 1990; § 504 of the Rehabilitation Act of 1973.

*Recodified August 2000*

*Amended: August 11, 2015*

**ACCOMPANYING REGULATIONS**

**REGULATION 7-1.2(A) REPORT OF DISCRIMINATION, BULLYING OR HARASSMENT**

**REGULATION 7-1.2(B) GRIEVANCE PROCEDURE FOR DISCRIMINATION ON THE BASIS OF GENDER,  
HANDICAP OR DISABILITY**

**REGULATION 7-1.2(A): REPORT OF DISCRIMINATION, BULLYING OR HARASSMENT**

Name of Complainant: \_\_\_\_\_

Student's School and Class: \_\_\_\_\_

Address and Phone Number: \_\_\_\_\_

Date(s) of alleged discrimination, bullying or harassment: \_\_\_\_\_

Name of person(s) you believe discriminated against, bullied, or harassed you or others:

\_\_\_\_\_

Please describe in detail the incident(s) of alleged discrimination, bullying, or harassment, including where and when the incident(s) occurred. Please name any witnesses that may have observed the incident(s). Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complaint Received By:

\_\_\_\_\_  
Compliance Officer

\_\_\_\_\_  
Date

*Amended: August 11, 2015*

**REGULATION 7-1.2(B): GRIEVANCE PROCEDURE FOR DISCRIMINATION ON THE BASIS OF *GENDER*,  
HANDICAP OR DISABILITY**

**Application**

Students enrolled in Hanover County Public Schools may seek resolution of grievances resulting from alleged discrimination on the basis of gender, handicap or disability in accordance with this regulation.

**Procedures**

1. The complainant shall file a written complaint with the Title IX or Section 504 Coordinator not later than 30 days from the date of the alleged discrimination. The coordinator or his representative will attempt to adjust the grievance and will notify the complainant within 10 days of the filing of the written complaint. The coordinator will meet with the complainant within the 10-day period if the complainant requests such a meeting in his complaint.
2. If the Title IX or Section 504 Coordinator does not resolve the grievance to the complainant's satisfaction within the specified time period, the complainant may file a written complaint with the division superintendent within 5 days of receipt of the coordinator's decision (or the due date thereof). The division superintendent shall notify the complainant of his decision within 10 days of the date the complainant filed the complaint with the division superintendent. The division superintendent or his designee will meet with the complainant within the 10-day period if the complainant requests such a meeting in his complaint filed with the division superintendent.
3. If the division superintendent does not resolve the grievance to the complainant's satisfaction within the specified time period, the complainant may file a written complaint with the School Board within 5 days of the receipt of the division superintendent's decision (or the due date thereof). The complainant may request a hearing by the School Board, which request must be filed with the complaint. A hearing will be conducted as described in paragraph 4 below. The School Board shall consider the grievance within 30 days of the date the complainant filed the complaint with the School Board. The School Board shall give the complainant at least 15 days written notice of the date, place and time of its consideration of the grievance. The School Board shall notify the complainant in writing of its decision within 30 days of its consideration of the complaint.
4. If the complainant requests a hearing before the School Board, the following procedure shall be followed:
  - a. The complainant, and the division superintendent acting in the capacity of respondent, may be represented by legal counsel or other representatives.
  - b. All parties must, before the hearing date, exchange any written materials to be used during the hearing with each other and provide copies to the School Board. Such materials must be distributed within 3 business days before the hearing, or at such later time as the materials first become available to the party using them.
  - c. Each party may make an opening statement and present all material and relevant evidence, including the testimony of witnesses.
  - d. The School Board may question witnesses.

- e. A stenographic or tape recording of the hearing shall be taken unless dispensed with by agreement of all parties. All parties shall share the cost of the recording equally; a party who requests a transcript shall bear the cost of its preparation.

#### **Miscellaneous**

1. A document required to be filed under this regulation shall be deemed filed, and any notice required to be given under this regulation shall be deemed given, when personally delivered to the appropriate person or entity, or when sent by certified mail, return receipt requested.
2. The complaint and all actions taken in response to the complaint shall be kept confidential by those acting on behalf of the school division.
3. If any person with whom the complainant is required to file a complaint is the complainant or the source of the complaint, or if there is a conflict of interest, the complainant is not required to file the complaint with that person but may proceed with the next step in the procedure.
4. All complaints filed in accordance with this regulation shall be prepared on a standard form supplied by the Title IX or Section 504 Coordinator, attached as Regulation 7-1.2 (A).
5. Any action permitted to be taken by the complainant may be taken by the complainant's representative.

*Amended: August 11, 2015*

### **POLICY 7-1.3 STUDENT INVOLVEMENT**

The Hanover County School Board recognizes the student body as a significant part of the community and the decision-making process. Student input is important in the data collection process. On relevant issues, the School Board and the division superintendent will seek and consider students' views.

**LEGAL REFERENCE:** Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-79(2), 22.1-253.13:6, 22.1-253.13:7(D)(4); Regulations Establishing Standards for Accrediting Public Schools in Virginia, Part III (3.1-1), 8 VAC 20-130-10.

*Recodified August 2000*

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### **POLICY 7-1.4 STUDENT RECORDS**

The Hanover County School Board shall maintain accurate and complete individual, permanent and cumulative records for every student enrolled in 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, § 1232(g) 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.

The superintendent 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 to parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of the Hanover County Public Schools' written policy and procedure on the management of the education records and their location. The superintendent or his/her 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. 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.

Hanover County Public Schools shall provide a copy of this Policy on request to a parent or eligible student.

### **Definitions**

As used in this Policy, the following definitions apply:

Student - any person who attends or has attended a school in the school division.

Eligible student - a student or former student who has reached age 18, is emancipated under Virginia law, or has complied with compulsory attendance requirements as set forth in the Code of Virginia, 1950, as amended.

Parent - either natural parent of a student, a guardian, an individual acting as a parent or guardian in the absence of the student's parent or guardian, or other person in the Commonwealth having control or charge of any child of school age as defined in the Code of Virginia, 1950, as amended.

Education records - any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other medium) maintained by Hanover County Public 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 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 Hanover County Public 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 Hanover County Public Schools.
4. Alumni records which contain information about a student after he is no longer in attendance in Hanover County Public Schools and which do not relate to the person as a student.

Education records include:

1. Court notice of adjudication as provided in § 16.1-305.1 of the Code of Virginia, 1950, as amended, if disciplinary action against a student is based upon an incident which formed the basis for the adjudication or conviction. Any notice of disposition shall not be retained after the student has been awarded a diploma or certificate.
2. Disciplinary record of action taken based on notice of adjudication as specified in number 1.
3. Any disciplinary action taken against a student for violation of school rules or policies occurring on school property or at school-sponsored events and information concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

If disciplinary action is taken by the school division in regard to the incident upon which the adjudication or conviction was based, notice shall be provided to the parent or guardian in accordance with state law. With the consent of the parent or guardian, or in compliance with a court order, the school must also notify the court of the disciplinary action. If the school division does not take disciplinary action, every notice of adjudication or conviction received by the division superintendent, and information contained in the notice, shall be maintained by the division superintendent, and by any others to whom he disseminates it as permitted by law, separately from all other records concerning the student.



## **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 § 16.1-260(G) of the Code of Virginia, contained in a notice received pursuant to § 16.1-305.1 of the Code of Virginia, 1950, as amended, 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.

### ***Petitions***

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

1. If the juvenile is not enrolled as a student in a public school in the division to which the notice was given, the division superintendent shall promptly so 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.
2. Prior to receipt of the notice of disposition, the division 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 division 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.
3. After the student has been taken into custody, whether or not the student has been released, the principal may further disseminate the information only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety, appropriate educational placement or other educational services.

### **Annual Notification**

Parents will be notified of their rights under the Family Educational Rights and Privacy Act (FERPA) annually by publication in their child's student handbook published and distributed to students during the first week of each academic year.

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 in attendance (students who have reached age 18) by such means as are reasonably likely to inform them of their rights as follows:

1. the types and location of education records and information maintained therein;
  2. the title and address of the school official responsible for the maintenance of education records, the parties to whom data may be disclosed, and the purpose for disclosure;
  3. policies and procedures for reviewing and expunging education records;
  4. policies and procedures for disclosure of data from education records;
  5. the rights of parents and eligible students to review and challenge the content of education records and to file with the FERPA Office a complaint concerning an alleged failure by the school division to comply with 20 U.S.C. 1232g;
  6. the fee as established in this Policy to the parent or eligible student for reproducing copies of education records;
  7. the data designated in this Policy as directory information;
  8. the right of parents and eligible students to obtain, upon request, a copy of the school division's written policies and procedures on the management of the education records and the location of these records;
- and,

9. that it forwards scholastic records upon the request for the transfer of such records from another school division without providing written notice of the transfer to the parent, guardian, or other person having control or charge of the subject student, or to a student who is eighteen years old or older.

### **Procedure to Inspect Education Records**

Parents of students or eligible students may inspect and review the education records relating to their children without unnecessary delay 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. 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 parents or eligible students of the time and place where the records may be inspected. Access must be given no later than 5 days from the receipt of the request.

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.

When disciplinary action is taken by the school division in regard to an incident upon which an adjudication of delinquency or a conviction of acts specified in § 16.1-305.1 of the Code of Virginia, 1950, as amended, has been made, the parent or guardian must be notified of the action, the reasons therefore and his right to review and to request amendment of the student's education records. Every notice of adjudication or conviction received by the division superintendent and information in the notice which is not a disciplinary record, shall be maintained by the division superintendent and other school personnel separately from all other records concerning such student unless the school division takes disciplinary action based on an incident which was the basis for the adjudication or conviction.

### **Refusal To Provide Copies**

Although the Hanover County Public Schools cannot deny parents access to their children's education records, the school division 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 .25 per page. The actual cost of copying time and postage will be charged. Hanover County Public Schools shall not charge for search and retrieval of the records. Hanover County Public Schools shall not charge a fee for copying an Individualized Education Program (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.

### **Types, Locations, And Custodians of Education Records**

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

### **Disclosure of Education Records**

When parental consent is required in order to release a student's records and the parent refuses to give such consent, the division shall use informal means to secure the consent. If the parent continues to refuse to consent, the school division shall provide written notification to the person/agency requesting the information that parental consent is required and has been refused. If the school division wishes to disclose the information and has been

unable to secure the necessary consent through informal means, the school division may use more formal measures, as appropriate, to effect release of information.

Hanover County Public Schools shall disclose information from a student's education records only with the written consent of the parent or eligible student, *except*:

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

A school official is:

- a. A person employed by the School Board as an administrator, supervisor, instructor, or support staff member.
- b. A person appointed or elected to the School Board.
- c. A person employed by or under contract with the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
- d. A person who is a teacher or school official, including teachers and school officials in other schools, who have legitimate educational interests in the student.

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

- a. Performing a task that is specified in his position description or by a contract agreement.
  - b. Performing a task related to a student's education.
  - c. Performing a task related to the discipline of a student.
  - d. 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, upon request, in which a student seeks or intends to enroll. Hanover County Public Schools shall provide written notice of the transfer including the identity of the requester to the parent, guardian or other person having control or charge of the student or to a student who is 18 years of age or older within five days of the date on which the record was transferred. This notice requirement applies to the transfer of records to education programs in jails and detention centers.
  3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
  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 purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his 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 to 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 disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his 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 the school division.
  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 a health or safety emergency.
11. Directory information so designated by the school division.

### **Military Recruiters and Institutions of Higher Learning**

Hanover County Public 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.

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. The school division will notify parents of the option to make a request and will comply with any request.

The school division 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.

### **Record of Requests for Disclosure**

Hanover County Public Schools shall maintain a record, kept with the education records of each student, indicating all individuals, agencies, or organizations which request or obtain access to a student's education records, except those who receive records with consent. The record will indicate 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 requests 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).

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**

Hanover County Public Schools shall notify parents and eligible students at the beginning of each school year what information, if any, the school division has designated as directory information, the right to refuse to let the school division designate any or all of such information as directory information and the period of time to refuse, in writing, the directory information designation, in accordance with FERPA.

Directory information may include the name, gender, address, telephone listing, date and place of birth, the student's major field of study, participation in officially recognized activities and sports, the weight and height of members of athletic teams, dates of attendance, degrees or awards received and photographs.

### **Correction of Education Records**

Parents or eligible students shall be notified of their right to challenge the content of student records and to ask to have records corrected (including expungement) that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. Parents or the eligible student must request in writing that Hanover County Public 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. Hanover County Public 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, the school division 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 may be accompanied and represented by one or more individuals/attorneys.
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. 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. Hanover County Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision.
7. If Hanover County Public 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 student's official 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 record as long as the contested portion is maintained.
8. If Hanover County Public 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.
9. Hanover County Public Schools shall notify the parent and eligible student of their right to file with the FERPA Office a complaint concerning an alleged failure by the school division to comply with federal law.

#### **Confidentiality of HIV And Drug And Alcohol Treatment Records**

The school division shall comply with the confidentiality requirements of § 32.1-36.1 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.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23-2.1, 32.1-36.1; Special Education Program Standards; 8 VAC 20-570-10; Regulations Governing Management of the Student's Scholastic Record, 8 VAC 20-80-10, et seq., 8 VAC 20-150-10; 18 U.S.C. §§ 2331, 2332b; 20 U.S.C. §§ 1232(g); 20 U.S.C. § 1400, et seq.; 20 U.S.C. § 7908.; 42 U.S.C. § 290dd-2; 34 C.F.R. Part 99; 34 C.F.R. § 300 et seq.; Education Division General Administrative Regulations (EDGAR) 34 C.F.R. § 75.734; Virginia Superintendent's Memoranda No. 12, June 17, 1994 and No. 6, April 8, 1994.

*Recodified August 2000*

*Amended: July 16, 2003, August 4, 2009*

## ACCOMPANYING REGULATIONS:

REGULATION 7-1.4:(A) STUDENT RECORDS

REGULATION 7-1.4 (B): ACCESS AND DISCLOSURE OF STUDENT RECORDS TO OTHER AGENCIES

REGULATION 7-1.4 (C): RECORDS MANAGEMENT

### REGULATION 7-1.4 (A): STUDENT RECORDS

#### Transfer of Student Records

A school responding to a request for the transfer of the scholastic records from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian or other person having control or charge of the student, or to a student who is eighteen years of age or older, if the school has previously included in its annual notice a statement that it forwards such records to such requesting school divisions.

All personnel authorized access to student records shall be informed of these regulations. Strict adherence shall be a condition of employment by the Hanover County School Board.

#### Definitions

##### Student Records

The scholastic record shall be limited to data needed by the school to assist the student in his personal, social, educational, and vocational development and placement and be maintained in accordance with Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia.

Federal and state laws/regulations require the maintenance of confidentiality with reference to certain items in scholastic records. Virginia has elected to identify confidential information and file all cumulative data as follows: An Education Record shall be developed for every student including information regarding differentiated programs and/or special services, such as gifted, disabled, disciplinary information and court disposition records, etc.

##### Individual Notification

All parents and students shall be informed of their rights relative to the student's scholastic record. Parents and eligible students shall have an opportunity for a hearing before the principal to challenge the content of their child's records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction or deletion of inaccurate, misleading, or inappropriate information therein and for the insertion of a written explanation of the parents respecting the content of the records.

All agencies of the Hanover Central Agency Referral Services shall receive annually copies of policies and regulations relating to management of student records.

### Directory Information

The categories below are directory information and may be disclosed by the school if the parent has not filed a non-disclosure request. Parents have fifteen (15) administrative working days from the receipt of annual written and public notice to notify Hanover County Public Schools in writing that any part of or all of said directory information about their child shall not be released without prior consent. Directory information consists of 1) name of student in attendance or no longer in attendance including a student's age, gender, and date(s) of attendance; 2) participation in officially recognized activities and sports including a student's academic field of study; 3) height and weight, if member of athletic team; 4) awards and honors or degrees received by a student; 5) yearbook photographs; 6) the name, address, and telephone number of students may be released to military recruiters as permitted by law; 7) the name, address, and telephone number of students may be released to institutions of higher learning as permitted by law, and 8) names, addresses and honors received may be released to members of the Virginia General Assembly on request for the purposes of congratulatory communication only.

### Publication of Student Records Policy

It shall be the division superintendent's responsibility to ensure that each school principal reports annually and on request to parents and students over eighteen years of age the following rights concerning student records:

1. To know the types and location of scholastic records that are kept;
2. To know the title and address of the official in charge of the records, the parties to whom data may be disclosed, and the purpose for disclosure;
3. To know the policies for reviewing and expunging scholastic records;
4. To know the policy and procedures for disclosure of data from scholastic records;
5. To challenge a record claimed to be false or misleading, and to a fair hearing if, after review, no change is made; to place a statement of rebuttal in the challenged record if no change is made; to file a complaint with FERPA (Family Educational Rights and Privacy Act) office of the United States Department of Education if they believe any of these rights (20 U.S.C. 1232g) are violated.
6. To receive a copy of the record at a reasonable cost as annually specified in the Parent-Student Handbook, not to exceed the cost of reproduction (search and retrieval fees shall not be charged). Such fee shall not effectively prevent the parents or their designee from exercising their right to inspect and review these records. There is no charge for IEPs. No search fee is charged for any special education records.
7. To know which data are designated as directory information;
8. To receive a response to a reasonable request for explanation and interpretation;
9. To provide the right to inspect and review the education record relating to their children without unnecessary delay and before any meeting regarding an IEP or hearing involving identification, evaluation, or placement;
10. To provide the right to have a representative of the parent inspect and review the education record;
11. To provide the right to inspect and review only information pertaining to their child should the LEA maintain education records on more than one child;
12. To obtain, upon request, a copy of the school division's written policy and procedures on the management of the scholastic records and the location of same.

## Collection of Data

### *Data in Student's Education Record*

- a. Family background data other than the name and address of parent or guardian (for example, ethnic origin, religious beliefs, income and occupational data, husband-wife relationships and the like) shall be obtained only by individual consent unless specifically authorized by state and/or federal statutes and regulations.
- b. Standardized tests designed to measure aptitude, achievement, habits/skills and vocational interests shall become a part of each student's academic record.
- c. Additional data shall include but need not be limited to disciplinary records of the student and required reports of evaluations of exceptional students (i.e., gifted, disabled, etc.) when such reports are necessary for placement/special services for such student. This shall also include reports for children with disabilities who have not yet become students (i.e., preschool or unserved).
- d. Court disposition records shall be included following specific procedures for receipt, dissemination, maintenance and retention specified in Code of Virginia §§16.1-305.1, 22.1-288.2, 22.1-289.

### Court Disposition Records - Receipt of the Notice, Virginia Code §16.1-305.1

The Virginia Code requires that when a juvenile is adjudicated delinquent or convicted of certain crimes, the clerk of the court must provide written notice of the disposition ordered by the court to the division superintendent of the school division in which the child is enrolled at the time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. This notice must be sent within fifteen (15) days of the disposition if an appeal has not been filed. Further disclosure of this information by the division superintendent to the school personnel is authorized only as provided in §22.1-288.2. Notices of disposition will be sent to superintendents when a student is convicted or adjudicated delinquent of one of the following crimes:

1. the unlawful purchase, possession or use of a weapon;
2. homicide;
3. felonious assault and bodily wounding;
4. criminal sexual assault;
5. manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances;
6. manufacture, sale or distribution of marijuana;
7. arson and related crimes; or
8. burglary.

### Dissemination, Virginia Code §22.1-288.2

The Code requires that the division superintendent disseminate the notice or information contained in the notice 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, only:

1. if the student poses a danger to himself or others; or
2. to facilitate the student's appropriate educational placement or other educational services.



If disciplinary action is taken by the school division in regard to the incident upon which the adjudication or conviction was based, the school division must provide written notice to the parent, guardian or other person having control or charge of the student of the disciplinary action and the reason it was taken. With the consent of the parent or guardian, or in compliance with a court order, the school division must also notify the court of the action. In addition, the parent or guardian must be notified of his or her right to review and to request amendment of the student's education record.

#### Maintenance, Virginia Code §§22.1-288.2, 22.1-289

If school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication or conviction, the court notice must become a part of the student's disciplinary record.

If the school division does not take disciplinary action, the notice and information contained therein must be maintained separate from all other records concerning the student. Further, if the notice refers to an incident which did not occur on school property or during a school-sponsored activity, it does not become part of the student's education record.

#### Retention, Virginia Code §22.1 - 289

Any notice of disposition shall not be retained after the student has been awarded a diploma or certificate.

#### Maintenance/Disposition of Data

1. Data shall be maintained and disposed of in accordance with Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia and the Hanover County Public Schools Records Manual. Any other data not included in this provision is destroyed five years after the student withdraws or graduates.
2. Parents or eligible students have the right to be provided with copies of any of the student's education record data prior to their destruction, upon written request.
3. No scheduled school records shall be destroyed without the authorization of the division superintendent or designated records manager on appropriate forms developed by the Virginia State Library and Archives.

#### Access and Administration of Security

Each principal, or a designated professional, shall be responsible for student records content, maintenance, access, security, use and disclosure. All personnel having access to student records shall receive periodic training applicable in federal and state laws, regulations and policies and procedures for management of education records, and in security with emphasis upon privacy rights of students and parents. Student records are to be kept in a secure location in the individual school building in which the student is enrolled.

The principal of each school (see Parent-Student Handbook for address) is responsible for the records maintained within his school. Access to pupil records is limited to those persons as specified in the Virginia Code § 22.1-287 (see P 7-29), including: adult clerical personnel; eligible student; parent; principal or designee of the school the student attends, has attended, or intends to enroll; professional personnel (within school or school division); federal, state and local officials as authorized by law; and others who have the written permission of parent or eligible student. A current listing of names and positions of employees within the school division who

have access to student education records is available for inspection on request to the Assistant Superintendent of Human Resources. Both natural parents, regardless of custody status, have the right of access to all student records in the absence of a court or medical order to the contrary.

Eligible persons seeking access to cumulative records should notify the principal of the school attended by the student. Access will be arranged by the principal within five work days from the receipt of the request. Arrangements will be made for a staff member to be present to interpret the data if necessary. Parents who wish to have records released to specified individuals should request and authorize the release in writing.

#### Dissemination of Information Regarding Students

1. Directory Information - See School Board Policy 7-1.4 and definitions section, above.
2. Except in compliance with a judicial order or orders of administrative agencies where these agencies have the power of subpoena, the custodian of student records shall not release information gathered by a non-school agency.
3. When a student reaches the age of eighteen and no longer is attending Hanover County Public Schools, or is married (whether age eighteen or not), his consent alone must be obtained. This includes the right to deny parental access to his records.

Without prior written consent, student education record information shall be disclosed to school personnel, to appropriate persons in an emergency, for audits or approved research where personally identifiable information is excluded, to protective services personnel, or when requested if a student transfers to another school or post-secondary education. When the student record is transferred by request from another school division, the school shall provide written notice of the transfer, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is eighteen years of age or older within **five (5)** calendar days of the date in which the record was transferred.

The school shall transfer a student's record to the Department of Correctional Education when the division superintendent was notified that a student within the school division was enrolled in an education program in a learning center. This requirement also specifically applies to students who are in education programs in jails and detention centers. The Department of Correctional Education must notify the division superintendent when a student has been released from a learning center and transfer the student's education record to the school division within **five (5)** days of a request from the division superintendent or his designee. A record must be kept of all persons, agencies or organizations outside the school division requesting access to a student's record. The record must indicate the legitimate interest of the person making the request and whether or not it was granted.

#### Challenges to Records or Portions of Records

Eligible students and/or parents have a right to challenge records or portions of records which they believe to be incorrect. The right of challenge does not mean that any record so challenged must be changed or removed by school administrators. When such a challenge is not resolved to the complainant's satisfaction and a formal hearing is requested, the School Board shall conduct a review and or a hearing as described in Policy 7-1.4.

### Transfer of Scholastic Records

#### *Within the School Division*

The record shall follow the student from school to school in order to show a pattern in the student's development.

#### *Outside the School Division*

When a student transfers to another school division or post-secondary education, a transcript of his record, to include academic achievement, standardized test data, cumulative health-physical fitness record, medical records, other pertinent information, etc., where appropriate, shall be sent promptly, upon request, to the appropriate official of the school in which he seeks or intends to enroll. The school transferring the data shall, prior to the transfer, notify the parent or eligible student of such a transfer and shall provide him with a copy of the record, if desired.

*Amended: June 10, 2003*

## **REGULATION 7-1.4 (B): ACCESS AND DISCLOSURE OF STUDENT RECORDS TO OTHER AGENCIES**

### **Access and Disclosure**

#### Consent to Exchange Information

The Uniform Consent to Exchange Information Form as issued by the Virginia Department of Education shall be used for all interagency cooperation in providing services to students, particularly in the exchange of information about students.

#### Generally

1. Information shall be exchanged by the listed agencies only to the extent needed for the purpose indicated on the consent form as signed by the parent.
2. The parent may withdraw consent at any time by telling the referring agency. Agencies shall not share information after they know consent has been withdrawn.
3. Agencies listed on the consent form may accept a copy of the form as a valid consent to share information.
4. Agencies listed on the form shall keep a written record each time information is shared. This record shall include which information was shared with other agencies, when it was shared, who asked for and got information, and for what purpose.
5. The parent has the right to ask the listed agencies to review the record.
6. The listed agencies are not required to inform the parent each time they share information about the student.

Procedures for Using the Form Under Part H of the Individuals with Disabilities Act

1. For a student referred to the Hanover Central Agency Referral Services, the temporary service coordinator shall obtain parental permission on the Uniform Consent to Exchange Information Form.
2. Instructions included on the form shall be explained to parents. The entire form shall be completed and parents shall be given a copy of the form.
3. A copy of Parental Rights shall be given to each parent. All parents shall sign the documentation sheet indicating that they received a copy of their Parental Rights.
4. The form shall be reviewed each time information is requested by another agency to ensure that only information for which the parent has signed a release is shared. Each agency request shall be filed in the student's education record with documentation of action taken.

Procedures for Using the Form By the Community Policy and Management Team, Family Assessment and Planning Team, and Interagency Prescription Team

1. For a student being referred to the Hanover County Interagency Family Assessment and Planning Team (FAPT), the referring agency shall obtain parental permission on the Uniform Consent to Exchange Information Form. Permission shall be obtained prior to referral to the FAPT Coordinator.
2. Instructions included on the form shall be explained to parents. The entire form shall be completed and parents shall be given a copy of the form.
3. The original form shall be maintained by the agency designated as case manager. Copies of the form may be maintained by each participating agency.
4. The form shall be reviewed each time the student's case comes before the Interagency FAPT to ensure that only information for which the parent has signed a release is shared and to ensure that the release has not expired. A record of the initial staffing and each follow-up shall be filed in the student's Education Record with documentation of action taken and agencies present.

**REGULATION 7-1.4 (C): RECORDS MANAGEMENT**

The division superintendent and/or the designated records manager shall assume the responsibility for seeing that all records are retained in compliance with State Law, State Board of Education regulations, and state and local retention schedules and regulations as defined in applicable state schedules for Hanover County Public Schools Records Management. No records shall be destroyed without the authorization of the superintendent or designated records manager on forms prescribed by the Virginia State Library and Archives.

## **POLICY 7-1.5 ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES**

Surveys and questionnaires may not be administered to students during the regular school day or at school-sponsored events without written, informed parental consent when participation in such survey or questionnaire may subsequently result in the sale for commercial purposes of personal information regarding the individual student.

**LEGAL REFERENCE:** Code of Virginia, 19650, as amended §§ 22.1-79.3.

*Adopted: July 16, 2002*