

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 8, SECTION 7-8.1 ENTITLED "PERSONNEL FILES REQUIRED; ACCESS ALLOWED; UNFOUNDED INFORMATION; DISPUTE RESOLUTION; TEACHER PERFORMANCE INDICATORS; WRITTEN RELEASE REQUIRED EXCEPT IN LIMITED SITUATIONS" OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD - FIRST READING**

**BE IT ORDAINED**, by the School Board of the City of Suffolk, Virginia that Chapter 7, Article 8, Section 7-8.1 entitled "Personnel files required; Access allowed; Unfounded information; dispute resolution; Teacher Performance Indicators; Written release required except in limited situations" of the Policies of the Suffolk City School Board, be, and the same is hereby amended as follows:

**Section 7-8.1. Personnel files required; Access allowed; Unfounded information; dispute resolution; Teacher Performance Indicators; Written release required except in limited situations.** — A. The superintendent or superintendent's designee is responsible for maintaining a system of personnel records for all employees of the School Board. Personnel files of all School Board employees may be produced and maintained in digital or paper format. References, transcripts, placements folders, and other materials, which are received on the basis of pledged confidentiality as a part of pre-employment routine shall not be considered as part of the file material for purposes of the sections which follow.

B. Present and past employees shall have access to their personnel information maintained by the Department of Human Resources. When employment verification of a former employee of Suffolk Public Schools is requested by another school district, Suffolk Public Schools will respond within 10 working days of receiving such request. "Working days" applicable to this paragraph means every day except Saturdays, Sundays, and legal state and federal holidays.

C. Teacher performance indicators, or other data collected by or for the Department of Education or the School Board or made available to and able to be used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, is confidential but may be disclosed, in a form that does not personally identify any student or other teacher, (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this policy prohibits the release of or limits the availability of non-identifying, aggregate teacher performance indicators or other data.

D. Information determined to be unfounded after reasonable administrative review shall not be maintained in any employee personnel file, but may be retained in a separate sealed file by the administration, if such information alleges civil or criminal offenses.

E. Any dispute over such unfounded information, exclusive of opinions retained in the personnel file or in a separate sealed file, notwithstanding the provisions of the Privacy Protection Act, shall be settled through the employee grievance procedure.

F. If information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order, lawfully issued subpoena

or the Virginia Freedom of Information Act (Va. Code § 2.2-3700 et seq.), or other law or court order. The employee will be notified of the request for records. (Adopted August 10, 1995; Revised and Adopted: March 10, 2005; Ordinance Number 04/05-18; Effective: July 1, 2005; Revised June 9, 2016; Ordinance Number 15/16-55; Effective Date: July 1, 2016; Revised October 13, 2016; Ordinance Number 16/17-14; Effective Date: July 1, 2017; Ordinance 22/23-46, Revised/Effective: February 9, 2023)

**Legal Authority** - Virginia Code §§ 2.2-3705.1, 2.2-3800 et seq., and 22.1-295.1 (1950), as amended.

**BE IT FURTHER ORDAINED** that all phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the School Board's Policy Manual not amended or repealed shall remain in full force and effect.

**FIRST READING:** \_\_\_\_\_

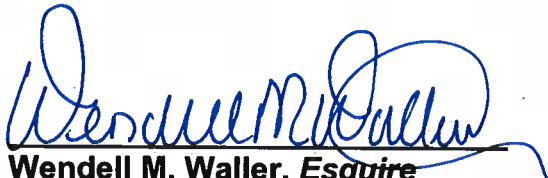
**SECOND READING:** \_\_\_\_\_

**EFFECTIVE DATE:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_

**CLERK**

**Approved as to form and content:**



**Wendell M. Waller, Esquire**  
**School Board Attorney**