

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 23, SECTION 9-23.12, ENTITLED "CORRECTION OF EDUCATION RECORDS; RIGHT TO FILE COMPLAINT; RECORD EXPUNGEMENT" 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 9, Article 23, Section 9-23.12, entitled "Correction of Education Records; Right to File Complaint; Record Expungement" of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:**

**Section 9-23.12. Correction of Education Records; Right to File Complaint; Record Expungement.** — A. Parents or eligible students shall be notified of their right to challenge the content and to ask to have records corrected (including expungement) that they believe are inaccurate, misleading, or in violation of their privacy rights. 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 Suffolk 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) Suffolk 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, Suffolk Public Schools shall arrange for a hearing, and notify 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 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 Suffolk Public Schools. 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) Suffolk Public 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 Suffolk Public Schools decide 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 Suffolk 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 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.

(Adopted February 9, 1999; Revised June 13, 2013; Ordinance Number 12/13-134; Effective Date: July 1, 2013)

**Legal Authority** - Family Educational Rights and Privacy Act of 1974, 20 U.S.C.A. §1232g; 34 C.F.R. §99.1 *et. seq.*

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

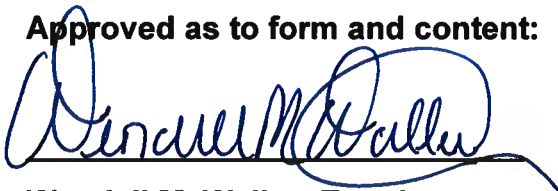
**SECOND READING:** \_\_\_\_\_

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

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

**CLERK**

**Approved as to form and content:**



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