

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 23, SECTION 9-23.10 ENTITLED “RELEASE OF STUDENT RECORDS; CONSENT REQUIRED FOR DISCLOSURE OF EDUCATION RECORDS; LIMITED EXCEPTIONS” 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 9-23.10 entitled “Release of Student Records; Consent required for disclosure of education records; limited exceptions” of the Policies of the Suffolk City School Board, be, and the same is hereby amended as follows:**

**Section 9-23.10. Release of Student Records; Consent required for disclosure of education records; limited exceptions.** — A. The parent/legal guardian of any student enrolled in Suffolk Public Schools may authorize the release of their student’s data/records to any individual or Agency upon completion and execution of a Consent for Release of Student Data/Records form.

B. When parental consent is required in order to release a student’s records, and the parent refuses to give such consent, Suffolk Public Schools shall use informal means to secure the consent. If the parent continues to refuse to give consent, Suffolk Public Schools shall provide written notification to the person/agency requesting the information, that parental consent is required and has been refused. If Suffolk Public Schools wishes to disclose the information and has been unable to secure the necessary consent through informal means, Suffolk Public Schools may use more formal measures, as appropriate, to effect release of information.

C. Suffolk Public Schools discloses information from a student’s education records only with the written consent of the parent or eligible student. However, subject to the following exceptions Suffolk Public Schools may disclose education record information without consent:

- (1) To school officials who have a legitimate educational interest in the records. A school official is:
  - (a) A person employed by 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 or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
  - (d) A contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education records
  - (e) 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

- (f) A school official who has a legitimate educational interest if the official is:
  - (i) Performing a task that is specified in his or her position description or by a contract agreement;
  - (ii) Performing a task related to the student's education;
  - (iii) Performing a task related to the discipline of a student;
  - (iv) 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, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. When a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record and a copy of the complete student disciplinary record, including copies of any relevant correspondence sent to the pupil or pupil's parent and copies of any correspondence and documentation relating to the pupil's placement in an alternative education program pursuant to Va. Code § 22.1-209.1:2 or Va. Code § 22.1-277.2:1, is transferred to the school division to which the pupil transfers if requested by such school division.
  
- (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 principal's 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 the law-enforcement or correctional personnel's 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 principal's 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 studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which:
  - (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
  - (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
  - (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
  - (d) requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
- (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 connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
  - (a) the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
  - (b) the parties to whom the division disclosed the information.
- (11) To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
- (12) Directory information so designated by Suffolk Public Schools.
- (13) When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement

Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

The school division discloses or makes available to the guardian ad litem, on request, any information, records, or reports concerning a student for whom a petition for guardianship or conservatorship has been filed that the guardian ad litem determines are necessary to perform his the guardian ad litem duties under Va. Code § 64.2-2003.

The school division will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

(Adopted February 9, 1999; Revised June 13, 2013; Ordinance Number 12/13-132; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-109; Effective Date: July 1, 2016; Revised February 8, 2018; Ordinance Number 17/18-46; Effective Date: February 8, 2018; Ordinance Number 21/22-30, Effective: November 4, 2021)

**Legal Authority** - Family Educational Rights & Privacy Act of 1974, 20 S.C.A. § 1232g; 34 C.F.R. §99.1 et. seq., Va. Code § 22.1-289 (B)

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

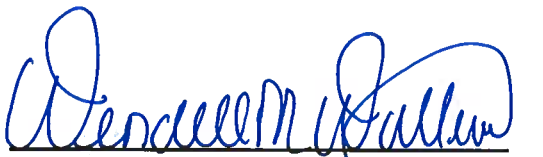
**SECOND READING:** \_\_\_\_\_

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

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

**CLERK**

**Approved as to form and content:**

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