

P6-18-004 Disciplinary Records

Disciplinary records are records that are directly related to a student and the disciplinary action taken against that student for violating School Board rules/policies, school rules/policies, or the Code of Student Conduct rules/policies while on school property or at school-sponsored events. It also applies and is enforced when the student's conduct interferes with or obstructs the orderly operation of the school system or the safety or welfare of students or employees. The term does not include (1) records of instructional, supervisory, administrative personnel and educational personnel ancillary to those persons, 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, or (2) the notice of court disposition if no disciplinary action is taken or the adjudication or conviction was for an incident which did not occur on school property or during a school-sponsored activity. Court notices are maintained in **a secure location, apart from** the student's education record if the Superintendent or School Board takes disciplinary action against a student based upon an incident which formed the basis for an adjudication or conviction. Disciplinary records are part of the student's education record and should be transferred to receiving school divisions upon request for the student's education record. They are not to be maintained separately except as outlined in policy **6-18-010**, "Expunging of Records," para C.(3). Reference: Code of Virginia, 22.1-288.2, 22.1-289.

Last Revised: August 1995

Legal Refs.: **18 U.S.C. §§ 2331, 2332b.**
20 U.S.C. §§1232g, 7908.
42 U.S.C. § 290dd-2.

34 C.F.R. 99.3, 99.7, 99.10, 99.11, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37.

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3705.4, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-254.1, 22.1-279.3:2, 22.1-287, 22.1-287.01, 22.1-287.02, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-36.1.

VSBA Ref: JO