

P6-18-006 Disclosure of Record Data

A. When a request for access to records is made by an authorized person, the granting of such a request shall be made no more than five (5) working days after the date of the request. If the school determines that it is practically impossible to provide the requested records or to determine whether they are available within the five working days, the school shall inform the person requesting the records and shall have seven additional working days to provide access. The Superintendent or designee or the principal or his designee shall be present for the purpose of record interpretation upon disclosure of education records as needed.

~~**All school personnel shall adhere to legal standards of confidentiality relating to information about a student's legal name, gender assigned at birth, and/or transgender status.**~~

Information contained in a transgender student's record reflecting their gender assigned at birth and/or transgender status shall not be disclosed as directory information and shall only be provided to authorized individuals identified in part C of this policy. See P6-18-003 Directory Information.

B. A Record Data Disclosure Form shall be maintained long term (75 years) in the student's education record showing:

1. the signature of each person who has requested and/or obtained access to records (except adult clerical and professional personnel; the parent or eligible student; and the parties receiving directory information);
2. the date of disclosure;
3. the specific legitimate interest in seeking such access and the purpose for which the data will be used;
4. the agency or institution represented, if appropriate; and
5. the signature of the person in charge of the records.

This form shall be available to the parent or eligible student, to school officials responsible for the record maintenance system, and to persons or organizations authorized in section C.(4) (Governmental and educational auditors, evaluators, and researchers) below, as a means of auditing 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 U.S.C. section 2331 or other acts listed in U.S.C. section 2332b(g)(5)(B).

C. To the extent permitted by Family Educational Rights and Privacy Act, the following individuals shall have access to information contained in policy section 6-18-002(A) of the student's education record without the prior written consent of the parent or student, unless otherwise noted:

1. Professional personnel within the school and school division who have been determined by the Henrico County Public Schools to have legitimate educational interests in the student. (Professional personnel who copy data shall protect the confidentiality of such data.) Refer to regulation [6-18-006](#), "Guidelines for Disclosure of Student Records."
2. Adult clerical personnel charged with the responsibility of record maintenance.

3. Parents, regardless of custody rights, legal guardians, or students who are the subjects of the record with these limitations:

a. Neither parent may deny access to student records to the other parent by oral or written request to the school. Access by parents may be denied only by specific court order.

b. Written consent of the parent is required by the local School Board for access by students under eighteen (18) years of age except in instances where the student is an emancipated minor or is enrolled in an institution of higher education.

Reference: Code of Virginia, 22.1-287(1)

c. Parents or guardians may not review the student's records without the written consent of the student if the student (i) is 18 years of age or older or enrolled in a post-secondary institution, (such a student is referred to as an "eligible student"), or (ii) is an emancipated minor, or (iii) is not claimed as a dependent on the parents' or guardians' tax return. Otherwise, the student's consent is not required.

d. Students, including those enrolled in institutions of higher education, shall not have access to financial records of their parent/**legal guardian**.

e. Following notification of the right of access to the student's record, if a waiver of this right of access to confidential letters and statements of recommendation has been obtained from an eligible student or parent, neither the student nor the parents or guardians shall have access to confidential letters and statements of recommendation relative to admission to an educational agency or institution, applications for employment, and the receipt of an honor or honorary recognition. Where the waiver is applied, the student, parents or guardians shall, upon request, be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose for which they were specifically intended. Said waiver may be revoked at any time with the understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.

Reference: Code of Virginia, 2.1-342(B)(7)

4. Governmental and educational auditors, evaluators, and researchers.

Data collected shall exclude information (including student number and social security numbers) which would permit the personal identification of such students or their parents after the data so obtained has been collected, except when disclosure of personally identifiable data is specifically authorized by Federal law or is needed by the Board of Education for such projects as student follow-up studies. Personally identifiable data collected shall be destroyed when no longer needed for the purposes stated herein.

Accrediting agencies shall be entitled to review records listed in section 6-18-002(A) only.

5. A person designated in writing by the student who is the subject of the record if the student is eighteen (18) years of age or older, an emancipated minor, or by the parent if the student is under eighteen (18) years of age. The written consent must specify the records to be disclosed and the party or class of parties to whom information shall be disclosed.

6. The principal or his designee(s) of the school or post-secondary institution which the student plans to attend.

7. The Superintendent of Public Instruction or a member of his staff.

8. Persons concerned with the student's application for financial aid, but only to the extent necessary to determine the student's eligibility for financial aid, the amount of such aid, conditions to be imposed or enforced concerning such aid, and to enforce the terms or conditions of financial aid.

9. An employee or official of the State or local health department, but only for the pre-school physical examination report, school entrance health examination form, and immunization certificate required by law. Reference: Code of Virginia, 22.1-270(c)

10. State or local officials to which education records must be disclosed under state law (state or local law-enforcement officers, probation officers, parole officers and administrators, members of parole boards, protective service workers).

Following a reasonable effort to notify the parent or eligible student in advance, disclosure of data shall be made in compliance with judicial order or pursuant to any lawfully issued subpoena.

11. An officer or employee of the United States seeking information about a veteran of military service with the United States, an orphan or dependent of such veteran, or an alien. The school may only furnish the name and address, daily attendance record, grades received in school subjects, parent's name, date and place of birth, and names and addresses of other schools attended.

12. Appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of the student or other persons.

13. State Department of Corrections, Department of Correctional Education, Department of Youth and Family Services, and educational programs in local jails and detention centers. Records must be sent within five administrative working days of receiving an official request for the records from the correctional facility that is housing the student. Reference: Code of Virginia, 16.1-287

14. Social Service Departments, but only the record of daily attendance needed to determine the eligibility of the student's family for public assistance.

15. Information necessary to complete required forms for students served by JTPA funds shall be released to the Governor's Employment and Training Department for transfer to the Department of Labor.

16. Medicaid eligibility information will be protected in the same manner as all other confidential items including student medical records and items deemed confidential by the Family Educational Rights and Privacy Act (FERPA). The precautions and information protection required by FERPA will apply to Medicaid eligibility information. Medicaid eligibility information should be used only to access reimbursement from Medicaid for services furnished and/or to assist Medicaid students in accessing appropriate health care. The Medicaid eligibility lists will only be made available to HCPS employees with direct oversight of Medicaid billing or administration. These HCPS employees will be specified as those who have signed the "Authorized Workforce Confidentiality Agreement" required by the Department of Medical Assistant Services (DMAS).

17. The student's guardian ad litem under Va. § 64.2-2003.

Refer to regulation [6-18-006](#), "Guidelines for Disclosure of Student Records."

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 16.1-287, **22.1-23.3**, 64.2-2003.

