

P6-18-010 Expunging of Records

A. The following types of information located in education records must be retained for 75 years:

1. Identifying data: Name, birth date, ~~birth certificate serial number, social security number unless waived~~, address, citizenship if other than United States
2. Family data: name and address of parents **or legal guardians**
3. Scholastic work: level of achievement, grades
4. Attendance data
- 5.4. Test scores: those required by state or county testing program
6. Record data disclosure form
7. Program of studies plan (class schedule)
8. 5. Type of diploma
9. 6. Certificate of immunizations
- 10.7. Rank in class
- 11.8. Grade point average
12. Driver's ed. certificate
- 13.9. Industry certifications
- 14.10. Career and Technical Education completer status

B. The following types of information located in education records may be destroyed five years after the student graduates or leaves school (but no sooner than **5 five** years after graduating or withdrawing from school):

1. School, community activities, work experiences
2. Employment evaluations
3. Cumulative health record, including pre-school physical examination report and school entrance examination report
4. Record of employment placement
5. Records of assessment, both initial and periodic
6. Records of counseling interviews: date, reason, not content
7. Test scores, profiles and inventories ~~not~~ required by state
8. Social histories
9. Legal, psychological, and medical reports
10. Records of sensitive physical problems (The principal or his **principal** designee shall see that appropriate school personnel directly involved with the student are informed of the student's physical problem affecting educational development.)
11. Verified reports of serious or recurrent atypical behavior patterns
12. Reports from institutions and agencies such as juvenile court, social welfare, etc.
13. School counselor or teacher case studies
14. Confidential interviews and/or recommendations
15. Vocational assessment data
16. Record of employment counseling and placement
17. Expired IEPs
18. Student Education Plan

19. Statement signed by parent acknowledging *Code of Student Conduct*
20. Notice of student's school status required as a condition of admission (indicates whether a student has been expelled previously and must be signed by parent upon registration of child for school)
21. Records of disciplinary actions or proceedings, including records involving possession and/or use of guns or other weapons, alcohol and other drugs, and assaults upon staff or others on school property or at school-sponsored activities.
22. Attendance data
23. Drivers Ed Certificate

C. The following information must be kept until the student graduates from secondary school, completes a program adopted by the Board of Education, or passes school age. By law they cannot be held the five additional years that many records are held.

1. Court notices of adjudications or convictions if the School Board takes disciplinary action against the student based upon the incident which formed the basis for the adjudication or conviction. If the court notice relates to an incident which did not happen on school property or at a school-sponsored event then the court notice does not become a part of the student's education record and is maintained separately.

Reference: Code of Virginia, Section 22.1-289, 22.1-1

Prior to the destruction of data, a reasonable effort shall be made to notify parents or eligible students that they have a right to be provided with a copy of the data in the student's file. This notification is provided through the "Annual Notice to Parents/Students re: Student Education Records" and through a form letter which is provided to the parent at the time of the student's withdrawal or prior to graduation of the student from Henrico County Public Schools. When personally identifiable information concerning a student with a disability is no longer needed, it must be destroyed if the parent makes a request to do so (except that the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation). If the parents do not request the destruction of the personally identifiable information, it may be retained for 75 years. Destruction of education records is the best protection against improper and unauthorized disclosure; however, the education records may be needed for other purposes. Schools should remind parents **or legal guardians and** eligible students that the education records may be needed by the student or the parents/**legal legal** guardians for social security benefits or other purposes. If the parents/**legal** guardians or eligible student requests that the information be destroyed, then the school shall retain only that information required for long-term (75 year) retention.

Last Revised: July 2008

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:

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