

## STUDENT RECORDS

### Generally

The Maggie L. Walker Governor's School Regional School Board maintains accurate and complete records for every student enrolled in accordance with all federal and state laws. Student records are retained and destroyed consistent with guidelines stated in Library of Virginia Records Retention and Disposition Schedule.

The director or director's designee is responsible for the collection of data, record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The director also provides for notification of all school personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of this policy.

### Definitions

For the purposes of this policy, the Maggie L. Walker Governor's School uses the following definitions.

Authorized representative – any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 CFR § 99.31(a)(3) to conduct, with respect to federal- or state-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Directory information for SIS (Student Information System) - information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational institution attended. Directory information may not include the student's social security number. Directory information may include a student identification number or other unique personal identifier used by a student for accessing or communicating in electronic systems if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user or a student ID number or other unique personal identifier that is displayed on a student ID badge, if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity such as a PIN or password or other factor known or possessed only by the authorized user.)

Education program - any program that is principally engaged in the provision of education, including, but not limited to secondary education, postsecondary education, special education, job training, and any program that is administered by an educational agency or institution.

Education records - any information recorded in any way or maintained by the Maggie L. Walker Governor's School Regional Board or an agent of the school which contains information directly related to a student, except

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record;
- records created and maintained for law enforcement purposes by the Maggie L. Walker Governor's School Regional Board's law enforcement unit, if any. A law enforcement unit is any individual, office, department, or division of the school that is authorized to enforce any local, state, or federal law, refer enforcement matters to appropriate authorities or maintain the physical security and safety of the school;
- in the case of persons who are employed by the Maggie L. Walker Governor's School Regional Board but who are not in attendance at the school, records made and maintained in the normal course of business which relate exclusively to the person in their capacity as an employee;
- records created or received after an individual is no longer in attendance and that are not directly related to the individual's attendance as a student;
- grades on peer-graded papers before they are collected and recorded by a teacher; and
- any electronic information, such as email, even if it contains personally identifiable information regarding a student, unless a printed copy of the electronic information is placed in the student's file or is stored electronically under an individual student's name on a permanent and secure basis for the purpose of being maintained as an educational record. For purposes of this policy, electronic information that exists on a back-up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.
- cumulative records after a five-year period beyond graduation. Records are retained by Maggie L. Walker Governor's School for five years after student graduation, then the cumulative education record is returned to the respective home school division for their management. The only record retained by Maggie L. Walker Governor's School after this five-year hold is a copy of the student's transcript.

Electronic communications via emails or facsimiles regarding any matter associated with a child with disabilities, including matters related to Individualized Education Plan (IEP) meetings, disciplinary actions, or service delivery, are part of the child's educational record.

Eligible student - a student who has reached age 18.

Parent - a parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Student - any person who is or has been in attendance at Maggie L. Walker Governor's School regarding whom the school maintains education records or personally identifiable information.

#### Dissemination and Maintenance of Records About Court Proceedings

#### Adjudications of Delinquency and Notifications of Other Dispositions

The director or director's designee shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G contained in a notice received pursuant to Va. Code § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the Assistant Director, Administration. The Assistant Director, Administration shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

A parent, guardian, or other person having control or charge of a student, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefor. The parent or guardian shall also be notified of the parent's right to review, and to request an amendment of, the student's scholastic record.

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 received by the director, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by the director and by any others to whom the director disseminates it, separately from all other records concerning the student. However, if the school administrators or the Regional School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260, the notice shall become a part of the student's disciplinary record.

If the child is enrolled at Maggie L. Walker Governor's School when notification is received pursuant to Va. Code § 16.1-305.1, the director forwards the notification to the superintendent of the school division where the child is enrolled or where the child intends to enroll, as evidenced by the receipt of a request from another division for the child's scholastic record.

Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma as provided in Va. Code § 22.1-253.13:4.

### Petitions and Reports

The director shall not disclose information contained in or derived from a notice of petition received pursuant to Va. Code § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

- If the juvenile is no longer enrolled as a student at Maggie L. Walker Governor's School the director or his/her designee shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department which sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.
- Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 the director may disclose the fact of the filing of the petition and the nature of the offense to the Assistant Director, Administration if the director believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel. The Assistant Director, Administration may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.
- If the director believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, the director may disclose the information to the Assistant Director, Administration. The Assistant Director may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

### Protective Orders and Orders Prohibiting Contact with a Child

Any school official who receives notice that a circuit court, general district court, juvenile and domestic relations district court, or magistrate has issued a protective order for the protection of any child who is enrolled at the school, or any other order prohibiting contact with such a child, notifies licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued.

### Notifications

#### Annual FERPA Notification

The school annually notifies parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) including

- the right to inspect and review the student's education records and the procedure for exercising this right;
  - the right to request amendment of the student's educational records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedure for exercising this right;
  - the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
  - the type of information designated as directory information, if any, and the right to opt out of release of directory information;
  - that the school releases records to other institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
  - the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
  - a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Office of the Chief Privacy Officer in the United States Department of Education concerning the school's alleged failure to comply with FERPA.
- Notification Regarding Special Education Records
 

After a child with a disability graduates, ages out of, or otherwise leaves any public school, the school retains the special education records of the child for at least seven years. The school notifies the parents of each such child of the opportunity to obtain such records during the retention period.

- Procedure to Inspect Education Records

Parents of students or eligible students may inspect and review the student's education records within a reasonable period of time, which shall not exceed 45 days, and before any meeting regarding an IEP or hearing involving a student with a disability. Further, parents have the right to a response from the school to reasonable requests for explanations and interpretations of the education record.

Parents or eligible students should request an appointment for record review and identify as precisely as possible the record or records he or she wishes to inspect.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

### Copies of Education Records

The Maggie L. Walker Governor's School will not provide a parent or eligible student a copy of any components of the student's education record that are prohibited from distribution by law.

### Fees for Copies of Records

Fees for copies are charged in accordance with state and federal law and regulations, including the Virginia Freedom of Information Act and FERPA.

### Types, Locations, and Custodians of Education Records

Maggie L. Walker Governor's School shall provide parents a list of the types and locations of education records collected, maintained, or used by the school.

The following is a list of the types of records that the Maggie L. Walker Governor's School maintains, their locations, and their custodians.

<b>Types</b>	<b>Location</b>	<b>Custodian</b>
<b>Middle School Transcripts</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>Immunization Records</b>	<b>Clinic Vault</b>	<b>School Nurse</b>
<b>SOL Scores</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>IEP/504/School Based Plans and Plan Updates as applicable</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>PSAT Score Reports if provided</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>ACT Score Reports if provided</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>SAT Score Reports if provided</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>Final Report Card (9-12)</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>Transcripts (upon graduation)</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>Threat Assessment Documents if applicable. FERPA 34 CFR Part 99 and §Part 99.36</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>Legal Documents if applicable</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>Records of File Review from Non-School Personnel</b>	<b>Student Records Vault</b>	<b>Registrar</b>
<b>School Discipline Records</b>	<b>Discipline Records Vault</b>	<b>Assistant Director</b>

<b>Academic &amp; Career Plan</b>	<b>Student Records Vault</b>	<b>Registrar</b>
-----------------------------------	------------------------------	------------------

## Disclosure of Education Records

Maggie L. Walker Governor's School discloses education records or personally identifiable information contained therein only with the written consent of the parent or eligible student except as authorized by law. Academic records and discipline records are housed separately. It is the practice of Maggie L. Walker Governor's School not to disclose disciplinary infractions except in cases of a student transfer from Maggie L. Walker Governor's School to another high school. In the event that an eligible student, parent, guardian or other person having control or charge of a student, and/or, with consent of a parent or in compliance with a court order requires information contained in a discipline record, the requesting party will complete and submit a release of information form to the Assistant Director, Administration.

Exceptions which permit the school to disclose education record information without consent include the following.

1. To school officials who have a legitimate educational interest in the records.

A school official is :

- a person employed by the Regional School Board
- a person appointed or elected to the Regional School Board
- a person employed by or under contract to the Regional School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
- a contractor, consultant, volunteer, or other party to whom the school has outsourced services or functions for which the school would otherwise use employees and who is under the direct control of the school with respect to the use and maintenance of education records

A school official has a legitimate educational interest if the official is:

- performing a task that is specified in the official's position description or by a contract agreement
  - performing a task related to a student's education
  - performing a task related to the discipline of a student
  - 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, or other entity that has legitimate educational interests 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 or receiving recognition or award. When a student 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 student or student's parent and copies of any correspondence and documentation relating to the student'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 student transfers if requested by such school division.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
  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 student prior to adjudication, the director or their designee may disclose identifying information from a student'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 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 student 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 director or the director'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 student or by such student if the student 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 director or the director's designee must enter into a written agreement with the organization conducting the study which
    - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
    - 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;
    - 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
    - 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.

FERPA Code 10, Emergency Disclosures: (Authority: 20 U.S.C. 1232g(b)(3) §99.36  
What conditions apply to disclosure of information in health and safety emergencies?

- (a) An educational agency or institution may disclose personally identifiable information from an educational record to appropriate authorities, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals
- (b) Nothing in the Act or this part shall prevent an educational agency or institution from –
  1. Including the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
  2. Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or
  3. Disclosing appropriate information maintained under paragraph (b) (1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
- (c) In making a determination under paragraph (a) of this section, an educational agency or institution may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and make its determination.

If the school releases information in connection with an emergency, it will record the following information:

- the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
  - the parties to whom the division disclosed the information. Legal Ref: FERPA 34 CFR Part 99 and §Part 99.36
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 the school, if any.
  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 discloses or makes available to a 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 the guardian ad litem's duties under Va. Code § 64.2-2003.

The school 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.

#### Unauthorized Disclosure of Electronic Records

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation federal or state law applicable to such information, the school shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

#### Disclosure to Federal Agencies

Notwithstanding any other provision of law or policy, no member or employee of the Maggie L. Walker Governor's School Regional Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

## Disclosure of Information Relating to Homebound Instructed Students

Neither the director nor the Regional School Board shall disclose to the Department of Education or any other person or entity outside of the school information that is provided by a parent or student to satisfy the requirements of Policy 3030 Homebound Instruction or subdivision B 1 of Va. Code § 22.1-254. However, the director or Regional School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the director from notifying the Superintendent of Public Instruction of the number of students in the school receiving homebound instruction.

## Audit or Evaluation of Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the individual or entity as an authorized representative;
- specifies the personally identifiable information to be disclosed, specifies that the purposes for which the personally identifiable information is disclosed to the authorized representative is to carry out an audit or evaluation of federal- or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31(a)(3) including a description of how the personally identifiable information will be used;
- requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
- specifies the time period in which the information must be destroyed; and
- establishes policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally identifiable information from further disclosure and unauthorized use, including limiting use of personally identifiable information to only authorized representatives with legitimate interests in the audit or evaluation of a federal- or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

## Military Recruiters and Institutions of Higher Learning

The Maggie L. Walker Governor's School provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names,

addresses, and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student.

The school notifies parents of the option to make a request and complies with any request.

The school provides military recruiters the same access to students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

### Record of Disclosure

The Maggie L. Walker Governor's School maintains a record, kept with the education records of each student, indicating all individuals (except school officials who have a legitimate educational interest in the records), agencies, or organizations which request or obtain access to a student's education records. The record will indicate specifically the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and the official's assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

The requirements related to records of disclosure stated above do not apply to disclosures 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 18 U.S.C. § 2331 or other acts listed in 18 U.S.C. § 2332b(g)(5)(B).

Personal information will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party permits access to information, or fails to destroy information, the school will not permit access to information from education records to that third party for a period of at least five years.

### Directory Information

The Maggie L. Walker Governor's School Regional Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the school designate any or all of such information as directory information, and the period of time to notify the school, in writing, that the parent or eligible student does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the Regional School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

No school discloses the address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act unless the parent or eligible student affirmatively consents in writing to such disclosure. Except as required by state or federal law, no school discloses the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the school or to school board employees for educational purposes or school business and the parent or eligible student has not opted out of such disclosure in accordance with Virginia law and this policy or (b) the parent or eligible student has affirmatively consented in writing to such disclosure.

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier, or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

#### Correction of Education Records

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 the Maggie L. Walker Governor's School amends 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. Maggie L. Walker Governor's School 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 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, Maggie L. Walker Governor's School shall arrange for a hearing, and notify the 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 the parent's or student's own expense, be assisted or represented by one or more individuals of the parent's or student's 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 the school. 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. Maggie L. Walker Governor's School 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 Maggie L. Walker Governor's School decides 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 Maggie L. Walker Governor's School 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 discloses the portion of the record to which the statement relates.

#### Confidentiality of HIV and Drug and Alcohol Treatment Records

Maggie L. Walker Governor's School complies with the confidentiality requirements of Va. Code § 32.1-36.1 providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school maintains confidentiality of drug and alcohol treatment records as required by federal and state law.

Adopted: April 20, 2017  
 Amended: August 17, 2017  
 Amended: September 14, 2017  
 Amended: October 18, 2018  
 Amended: October 17, 2019  
 Amended: October 15, 2020  
 Amended: September 19, 2024  
 Amended: October 17, 2024

---

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, 300.617.

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, 22.1-23.3, 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, 64.2-2003.

Cross Refs.:

Pol 3011	Guidance and Counseling Program
Pol 1030	Admission of Students
Pol 1030-R1	Regulation for Admission of Students
Pol 8002	Student Conduct
Pol 8090	Student Suspension/Expulsion
Pol 8013	Disciplining Students with Disabilities
Pol 4020	Student Immunizations
Pol 4095	Administering Medicines to Students
Pol 6000	Requests for Public Records
Pol 6000.1	Rights & Responsibilities
Pol 3030	Homebound Instruction
Pol 4046	Student Transcripts
Pol 4071	School Service Providers' Use of Student Personal Information
Pol 2051	Media Relations
Pol 8020	Reports of Missing Children
Form 6000-F1	Requests for Public Records