

STUDENT EDUCATION RECORDS

Purpose

The Maggie L. Walker Governor's School Regional School Board is committed to protecting the privacy and confidentiality of student education records in accordance with applicable federal and state law. Student education records shall be collected, maintained, accessed, used, retained, disclosed, transferred, and destroyed only as authorized or required by law and for legitimate educational, administrative, or other lawful purposes.

Maggie L. Walker Governor's School for Government and International Studies (MLWGS) is a regional academic-year Governor's School jointly operated by its participating school divisions and governed by the Maggie L. Walker Governor's School Regional School Board. Because MLWGS students remain affiliated with their participating home school divisions, the school shall maintain and share student education records with those divisions as permitted or required by law and as necessary to support enrollment, educational programming, student services, accountability, graduation, safety, and other legitimate educational purposes.

Policy Statement

The Maggie L. Walker Governor's School Regional School Board directs that student education records maintained by MLWGS be accurate, secure, and maintained in accordance with applicable federal and state law.

MLWGS complies with the Family Educational Rights and Privacy Act (FERPA), the Virginia Freedom of Information Act (VFOIA), the Code of Virginia, as amended, and all other applicable laws governing the privacy, collection, maintenance, access, use, retention, disclosure, transfer, and destruction of student education records.

School personnel shall use reasonable methods to identify and authenticate the identity and authority of parents, eligible students, school officials, home division officials, and other parties requesting access to personally identifiable information contained in education records.

Personally identifiable information from a student's education records shall not be disclosed except with the written consent of the parent or eligible student or as otherwise permitted or required by law.

Nothing in this policy shall be interpreted as limiting the ability or responsibility of any MLWGS employee to report suspected child abuse or neglect as required by law and Regional School Board policy.

Definitions

For purposes of this policy, the following definitions apply:

Directory Information

“Directory Information” means information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed and that has been designated by MLWGS as directory information in accordance with FERPA and applicable Virginia law.

Directory information may include a student’s name, photograph, grade level, enrollment status, dates of attendance, participation in officially recognized activities and athletics, honors and awards received, and other information designated by the school through its annual FERPA notice.

Directory information shall not include a student’s Social Security number. The designation and disclosure of student addresses, telephone numbers, email addresses, and other contact information shall comply with applicable federal and Virginia law.

Eligible Student

“Eligible Student” means a student who has reached 18 years of age or who attends a postsecondary institution, as defined by FERPA.

Parent

“Parent” means a parent of a student and includes a natural parent, guardian, or other person authorized by law to act as a parent in the absence of a parent or guardian.

Education Records or Scholastic Records

“Education Records” or “Scholastic Records” means records that are directly related to a student and maintained by MLWGS or by a party acting on behalf of MLWGS, as defined by FERPA and applicable Virginia law.

Education records do not include records specifically excluded from the definition under FERPA or other applicable law, including:

1. Records of instructional, supervisory, administrative, and ancillary educational personnel 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 any other person except a temporary substitute for the maker;
2. Records of a law enforcement unit, if applicable, that are created and maintained for a law enforcement purpose and otherwise meet the requirements for exclusion from education records under FERPA;
3. Employment records relating exclusively to an individual in the individual’s capacity as an employee and that are not available for use for another purpose, except as otherwise provided by FERPA;

4. Records created or received by MLWGS after an individual is no longer a student in attendance when those records are not directly related to the individual's attendance as a student; and
5. Grades on peer-graded assignments before those grades are collected and recorded by a teacher.

Home Division

“Home Division” means the participating local school division through which a student is enrolled at or attends MLWGS.

Nothing in this policy is intended to transfer to MLWGS a legal responsibility assigned by federal or state law to a student's home division or local educational agency. MLWGS and the home division shall coordinate regarding student records when necessary to fulfill their respective legal and educational responsibilities.

MLWGS or School

“MLWGS” or “School” means Maggie L. Walker Governor's School for Government and International Studies, a regional academic-year Governor's School jointly operated by its participating school divisions and governed by the Maggie L. Walker Governor's School Regional School Board.

Regional School Board

“Regional School Board” means the Maggie L. Walker Governor's School Regional School Board, which provides governance and policy oversight for MLWGS in accordance with applicable law and the agreements governing the regional school.

School Official

“School Official” includes a member of the Regional School Board; the Executive Director; an MLWGS administrator, teacher, counselor, nurse, registrar, or other employee; and a contractor, consultant, volunteer, or other party performing an institutional service or function for MLWGS when that party meets the requirements established by FERPA.

When permitted by FERPA and other applicable law, an appropriate official of a student's home division may also be considered a school official for purposes of accessing information necessary to perform a legitimate educational function involving the student.

Legitimate Educational Interest

A school official has a “Legitimate Educational Interest” when access to an education record is necessary for the official to fulfill professional, contractual, supervisory, administrative, safety, student-support, or other responsibilities related to the student's education or the operation of MLWGS.

Notice of Parent and Eligible Student Rights

The Executive Director shall ensure that parents and eligible students receive annual notice of their rights under FERPA and applicable Virginia law. The notice shall include the right to:

- Inspect and review the student's education records and receive information regarding the procedures for exercising that right;
- Request amendment of education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- Provide written consent before the disclosure of personally identifiable information from the student's education records, except when disclosure without consent is permitted or required by law;
- Opt out of the disclosure of information designated by MLWGS as directory information, in accordance with established procedures; and
- File a complaint with the Student Privacy Policy Office of the United States Department of Education concerning an alleged failure to comply with FERPA.

Maintenance of Student Records

MLWGS shall maintain student education records in accordance with applicable federal and Virginia law and the applicable Records Retention and Disposition Schedules of the Library of Virginia.

Records shall be maintained in a manner that protects their confidentiality, integrity, security, accessibility, and appropriate disposition.

MLWGS shall maintain those records created, received, or retained by the school in connection with a student's enrollment and attendance. When student records are also maintained by or must be provided to a student's home division, MLWGS shall coordinate with the home division in accordance with applicable law and the respective responsibilities of MLWGS and the home division.

Maintenance of Special Education and Section 504 Records

MLWGS shall maintain special education and Section 504 records that it creates or receives and maintains in connection with a student's enrollment, educational program, accommodations, services, discipline, or attendance at MLWGS.

Records subject to FERPA may include relevant electronic communications and other documentation maintained by MLWGS concerning matters such as IEP or Section 504 implementation, meetings, accommodations, disciplinary actions, evaluations, or service delivery.

MLWGS shall coordinate with the student's home division regarding special education and Section 504 records, notices, services, retention, transfer, and other responsibilities assigned by applicable federal or state law.

Nothing in this policy transfers to MLWGS a responsibility assigned by law to the student's home division or local educational agency.

Maintenance of Notices of Adjudication of Delinquency or Conviction

Any notice of adjudication of delinquency or conviction received by the Executive Director pursuant to applicable law shall be maintained and handled in accordance with Virginia law and applicable regulations.

When required by law, such notice shall be maintained separately from other student records unless disciplinary action is taken against the student based upon information contained in the notice. When the notice becomes part of a student's disciplinary record under applicable law, it shall be maintained accordingly.

Access to such information shall be limited to individuals authorized by law and with a legitimate educational or safety-related need for the information.

Access to Student Education Records by Parents and Eligible Students

Inspection and Review

Parents and eligible students have the right to inspect and review education records maintained by MLWGS in accordance with FERPA, applicable Virginia law, the Individuals with Disabilities Education Act (IDEA), when applicable, and established school procedures.

The Executive Director or designee shall establish procedures for responding to requests for inspection and review within the timelines required by law.

Requests shall be processed in accordance with Procedure 4045-P, Procedure for the Inspection and Review of Student Education Records.

When an education record contains information concerning more than one student, a parent or eligible student may inspect, review, or be informed only of the information relating to the student whose records the parent or eligible student has a right to access.

MLWGS shall redact personally identifiable information concerning other students when such information can reasonably be segregated without destroying the meaning of the record.

Copies of Education Records

MLWGS shall provide copies of student education records to parents and eligible students when required by law.

Requests for copies shall be processed in accordance with FERPA, Virginia law, and established MLWGS procedures.

Fees

MLWGS shall not charge a parent or eligible student a fee for inspecting and reviewing the student's education records.

Fees associated with copies of records, when permitted, shall be assessed only in accordance with applicable federal and Virginia law. No fee shall effectively prevent a parent or eligible student from exercising a right to inspect and review education records.

Fees associated with public records that are not student education records shall be governed by the Virginia Freedom of Information Act and applicable Regional School Board policy.

Information Regarding Education Records

Upon request, MLWGS shall provide a parent or eligible student with information sufficient to identify the types and locations of education records maintained by the school and the appropriate custodian of those records.

Disclosure of Education Records

Personally identifiable information from a student's education records shall not be disclosed without the written consent of the parent or eligible student except when disclosure is permitted or required by FERPA, the Code of Virginia, or other applicable law.

Permitted disclosures may include disclosures to school officials with legitimate educational interests; a student's home division when legally authorized; other educational institutions; authorized governmental officials or agencies; appropriate health or emergency personnel; parties acting pursuant to a judicial order or lawfully issued subpoena; and other persons or entities authorized by law.

MLWGS shall disclose only the information necessary and appropriate for the lawful purpose of the disclosure.

Legitimate Educational Interest

School officials shall have access to student education records only when they have a legitimate educational interest in the information or are otherwise authorized by law.

A legitimate educational interest exists when access to the record is necessary for a school official to fulfill assigned professional, educational, administrative, supervisory, safety, student-support, contractual, or other official responsibilities.

The Regional School Board directs that employees and other school officials authorized to access student records be informed of this policy and applicable procedures and comply with all confidentiality and security requirements.

Access to student information shall not be based solely upon an individual's position or employment at MLWGS. Access shall be limited to information reasonably necessary to perform the individual's authorized responsibilities.

Participating Home School Divisions

MLWGS recognizes the continuing educational relationship between each student and the participating home division through which the student attends MLWGS.

MLWGS may disclose education records or information to appropriate officials of a student's home division when the disclosure is permitted by FERPA or other applicable law and is necessary for enrollment, educational programming, graduation requirements, accountability, assessment, student services, special education or Section 504 responsibilities, health and safety, discipline, transfer, or another legitimate educational purpose.

MLWGS and participating home divisions shall each remain responsible for records and responsibilities assigned to them under applicable law and the agreements governing the regional school.

Other Educational Institutions

MLWGS may disclose education records to another educational agency or institution when authorized by FERPA or other applicable law, including when a student seeks or intends to enroll, transfers, or is already enrolled in another educational agency or institution and the disclosure relates to the student's enrollment or transfer.

MLWGS shall provide the notices required by FERPA concerning such disclosures through its annual notification of rights or by other means required by law.

Nothing in this section limits otherwise lawful exchange of education records between MLWGS and a student's participating home division.

Military Recruiters and Federal Agencies

MLWGS shall provide student information to military recruiters or institutions of higher education when required by federal law, subject to any applicable right of a parent or eligible student to request that such information not be released without prior written consent.

Parents and eligible students shall be notified of any applicable right to restrict such disclosure.

No Regional School Board member or MLWGS employee shall transmit personally identifiable information from a student's education record to a federal agency or its authorized representative except with appropriate consent or as permitted or required by federal or state law.

Nothing in this section prohibits disclosures authorized by law for audits or evaluations of federal or state-supported education programs, enforcement of or compliance with federal legal requirements related to such programs, or other purposes specifically authorized by law.

Directory Information

The Regional School Board may designate categories of student information as directory information consistent with FERPA and Virginia law.

Parents and eligible students shall receive annual notice identifying:

- The categories of information designated as directory information;
- The purposes for which directory information may be disclosed; and
- The period within which a parent or eligible student may notify MLWGS in writing that some or all designated directory information should not be disclosed.

MLWGS shall honor timely requests to restrict disclosure of directory information to the extent required by law.

A parent or eligible student may not use the right to opt out of directory information to prevent disclosures that FERPA expressly permits an educational agency or institution to require, including certain student identifiers used in classes or student identification cards or badges.

Student addresses, telephone numbers, email addresses, and other contact information shall not be disclosed pursuant to the Virginia Freedom of Information Act except as permitted by Virginia law.

MLWGS employees shall not disclose student contact information or other personally identifiable information except as permitted by FERPA, Virginia law, this policy, and applicable school procedures.

Health and Safety Emergencies

MLWGS may disclose personally identifiable information from a student's education records to appropriate parties when, based upon the totality of the circumstances, the school determines that an articulable and significant threat exists to the health or safety of the student or other individuals and knowledge of the information is necessary to protect against that threat.

Such disclosures shall be made in accordance with FERPA and other applicable law and documented when required.

When appropriate, MLWGS may coordinate with the student's home division, parents or guardians, emergency personnel, law enforcement, or other authorized parties in responding to a health or safety emergency.

Subpoena or Court Order

MLWGS shall disclose education records in response to a judicial order or lawfully issued subpoena when required by law.

Before complying, MLWGS shall make any reasonable effort to notify the parent or eligible student that is required by FERPA so that the parent or eligible student may seek protective action.

Advance notice shall not be provided when prohibited by law or by the terms of the applicable subpoena or court order, including circumstances involving certain federal grand jury subpoenas, law enforcement subpoenas, or other orders for which nondisclosure is legally required.

The Executive Director or designee may consult legal counsel before responding to a subpoena, court order, or other compulsory request for student education records.

Unauthorized Disclosure of Electronic Records

When MLWGS reasonably believes that electronic records containing personally identifiable information have been disclosed in violation of applicable federal or state law, the school shall provide notification to affected individuals as required by law.

Any required notification shall be made as soon as practicable and shall include the information required by Virginia law, which may include:

1. The date, estimated date, or date range of the unauthorized disclosure;
2. The type of information disclosed or reasonably believed to have been disclosed; and
3. Remedial measures taken or planned in response to the disclosure.

MLWGS shall also take reasonable steps to contain the disclosure, protect affected records, preserve relevant information, determine the scope of the incident, and comply with applicable reporting or notification requirements.

Record of Access and Disclosure

MLWGS shall maintain a record of requests for access to and disclosures of personally identifiable information from student education records when required by FERPA.

The record shall identify the party requesting or receiving the information and the legitimate interest or purpose for the request or disclosure as required by law.

A record of disclosure is not required for disclosures for which FERPA provides an exception to the recordkeeping requirement, including certain disclosures to school officials with legitimate educational interests.

Records of access and disclosure shall themselves be maintained and made available only as authorized by law.

Protective Orders

Any MLWGS employee who receives notice of a protective order or other court order affecting a student enrolled at MLWGS shall promptly provide the information to the Executive Director or appropriate administrator.

The Executive Director or designee shall ensure that information concerning the order is provided only to school personnel who:

1. Provide direct educational, supervisory, or support services to the affected student;
2. Have a legitimate educational or safety interest in the information; or
3. Are responsible for implementing or complying with the terms of the order while the student is under MLWGS supervision.

MLWGS shall coordinate with the student's home division or other appropriate authorities when necessary and permitted by law.

Information regarding protective orders shall be treated as confidential and shared only as authorized or required by law.

Redaction of Foster Parent Address

Upon written request of a foster parent of an enrolled student, MLWGS shall redact the foster parent's address from records provided to the student's parent when such redaction is required by Virginia law.

Special Confidential Records

MLWGS shall comply with all additional federal and Virginia confidentiality requirements applicable to specially protected student information, including, when applicable, records concerning HIV status, substance-use treatment, mental health information, health information, and other information afforded heightened confidentiality protections by law.

Access to such records shall be limited to individuals authorized by law and MLWGS policy.

Correction and Amendment of Education Records

A parent or eligible student who believes an education record maintained by MLWGS is inaccurate, misleading, or otherwise in violation of the student's privacy rights may request amendment of the record in accordance with FERPA and established MLWGS procedures.

The Executive Director or designee shall establish procedures for reviewing and responding to requests for amendment, including any hearing rights required by FERPA.

When the disputed record originated with a student's home division or another educational agency or institution, MLWGS may refer or coordinate the request with the agency responsible for creating or maintaining the official record, as appropriate.

Education records required to reflect a student's legal name or other legal identifying information shall be amended upon receipt of documentation sufficient to establish the change as required by applicable law.

Transfer and Return of Records

MLWGS may transfer education records to a student's home division, another educational agency or institution, or other authorized recipient when permitted or required by FERPA or other applicable law.

Upon a student's withdrawal, transfer, graduation, or other separation from MLWGS, records shall be retained, transferred, returned to the home division, or destroyed in accordance with applicable law, Library of Virginia retention schedules, Regional School Board policy, and established MLWGS procedures.

The Executive Director or designee shall establish procedures identifying which records constitute MLWGS records and which records are maintained, returned, or transferred in coordination with a student's home division.

Security and Confidentiality of Records

MLWGS shall maintain reasonable administrative, physical, and technological safeguards to protect student education records from unauthorized access, use, alteration, disclosure, loss, or destruction.

Access to electronic and physical student records shall be limited according to job responsibilities and legitimate educational interests.

Employees and other authorized individuals shall not access student records for personal reasons or for purposes unrelated to their assigned responsibilities.

The Executive Director or designee shall ensure that employees with access to student education records receive appropriate information or training concerning FERPA, confidentiality, records security, and applicable MLWGS procedures.

Implementation

The Executive Director or designee is responsible for establishing administrative procedures necessary to implement this policy, including procedures governing:

- Record maintenance and security;
- Access to education records;
- Disclosure of education records;
- Coordination and exchange of records with participating home divisions;
- Annual notices to parents and eligible students;
- Directory information;

- Transfer and return of records;
- Retention and disposition of records;
- Correction and amendment of records;
- Destruction of records;
- Response to subpoenas and court orders;
- Response to unauthorized disclosures;
- Fees permitted by law; and
- Employee training concerning confidentiality and protection of personally identifiable information.

The Executive Director or designee shall ensure that MLWGS personnel are informed of applicable requirements concerning the management and confidentiality of student education records.

Parents and eligible students shall be informed annually of their rights regarding education records and shall be provided access to this policy and applicable procedures.

Records Maintained by MLWGS

The following table identifies primary student records maintained by MLWGS, their primary location, and the MLWGS employee responsible for their custody. The table does not limit MLWGS from maintaining other education records required for school operations or by law and does not establish MLWGS as the sole custodian of records also maintained by a student's home division.

Types	Location	Custodian
Middle School Transcripts	Student Records Vault	Registrar
Immunization Records	Student Information System	School Nurse
SOL Scores	Student Information System	Registrar
IEP/504/School Based Plans and Plan Updates as applicable	Student Records Vault	School Social Worker
PSAT Score Reports if provided	Student Information System	Registrar
ACT Score Reports if provided	Student Information System	Registrar
SAT Score Reports if provided	Student Information System	Registrar
Final Report Card (9-12)	Student Information System	Registrar
Transcripts (upon graduation)	Student Records Vault	Registrar
Legal Documents if applicable	Student Records Vault	Counseling Department Chair
Records of File Review from Non-School Personnel	Student Records Vault	Registrar
School Discipline Records	Discipline Records Vault	Assistant Director
Academic & Career Plan	Student Information System	Counseling Department Chair

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: September 18, 2025
 Amended: September 17, 2026

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, 2.2-515.2, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-4.1, 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, 22.1-288.3, 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
Form 4050-F	Consent for Release of Student Data/Records Form
Pol 4095	Administering Medicines to Students
Pol 6000	Requests for Public Records
Pol 3030	Homebound Instruction
Proc. 4045-P	Procedure for the Inspection and Review of Student Education Records
Pol 4046	Student Transcripts
Pol 4071	School Service Providers' Use of Student Personal Information
Pol 2051	Media Relations
Pol 6035	Notification of School-Connected Student Overdose

Pol 8020
Form 6000-F1

Reports of Missing Children
Requests for Public Records