

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 212

An Act to amend and reenact § 8.01-390.1 of the Code of Virginia, relating to school records; self-authentication.

[H 2406]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-390.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-390.1. School records as evidence.

In a proceeding where a minor's school records relating to attendance, transcripts or grades are material, copies of *such* school records solely relating thereto shall be received as evidence in any matter involving the custody of that minor or the termination of parental rights of that minor's parents, provided that such copies are authenticated to be true copies by the custodian thereof, *or by the person to whom the custodian reports if they are different. All other school records in any matter involving custody or termination of parental rights may be authenticated to be true and accurate copies by the custodian thereof, or by the person to whom the custodian reports if they are different.* An affidavit signed by the custodian of such records, *or by the person to whom the custodian reports if they are different,* stating that such records are true and accurate copies of such records shall be valid authentication for the purposes of this section. Except for copies of report cards and letters previously sent to parents, subjective information, including observations, comments or opinions shall be redacted, by the court, from any records prior to admittance of the records into evidence pursuant to this section. *Any party seeking to introduce records authenticated by affidavit under this section shall deliver notice and a copy of such records to the other parties so that they are received not less than seven days prior to the introduction of such records.*