

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-295.1 of the Code of Virginia, relating to data on teacher*
3 *performance and quality; confidentiality.*

4 [H 524]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-295.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 22.1-295.1. Employee personnel files; maintenance of employee records; confidentiality of**
9 **certain records.**10 A. Personnel files of all school board employees may be produced and maintained in digital or paper
11 format.12 B. Information determined to be unfounded after a reasonable administrative review shall not be
13 maintained in any employee personnel file, but may be retained in a separate sealed file by the
14 administration if such information alleges civil or criminal offenses. Any dispute over such unfounded
15 information exclusive of opinions retained in the personnel file, or in a separate sealed file,
16 notwithstanding the provisions of the Government Data Collection and Dissemination Practices Act
17 (§ 2.2-3800 et seq.), shall be settled through the employee grievance procedure as provided in
18 §§ 22.1-306 and 22.1-308 through 22.1-314.19 C. Teacher performance indicators; or other data *collected by or for the Department of Education or*
20 *the local school board or made available to and able to be* used by the local school board to judge the
21 performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, shall be
22 confidential but may be disclosed, *in a form that does not personally identify any student or other*
23 *teacher*, (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher,
24 or (iii) as otherwise required by state or federal law. Nothing in this subsection shall be construed to
25 prohibit the release or to limit the availability of nonidentifying, aggregate teacher performance
26 indicators or other data.

ENROLLED

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