

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 808

An Act to amend and reenact § 22.1-289 of the Code of Virginia, relating to transfer of student scholastic records.

[H 331]

Approved April 11, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289. Transfer of scholastic records; penalty.

A. As used in this section:

"Category I record" means continuous and current documentation of significant factual information pertinent to the educational growth and development of individual students as they progress through school.

"Category II record" means information of a sensitive or confidential nature and shall include, but need not be limited to, the disciplinary records of the student; reports prepared by professional staff of a local school division for the express use of other professionals within the local school division; and appropriate confidential information from the records of cooperating individuals or agencies, such as psychiatrists, child welfare agencies, hospitals, juvenile courts, local health departments, and local social services departments.

"Scholastic record" means those Category I and Category II records that are directly related to a student which and are maintained by an educational agency or institution, or by a party acting for the agency or institution. *These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs.*

The term "scholastic record" does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request from such school division. *Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or outside the Commonwealth.*

Every student's scholastic record (~~Category I and Category II records~~) shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. ~~However, permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or without this Commonwealth.~~

Whenever the division superintendent is notified by the Department of Correctional Education, pursuant to § 22.1-344 of this title, that a pupil who last attended a school within the school division is a pupil in a school of a learning center of the Department of Youth and Family Services, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated learning center within five work days.

The Board of Education shall adopt regulations concerning the transfer of scholastic records from one school division to another and to the learning centers of the Department of Youth and Family Services.

C. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within sixty days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

D. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

E. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.