

2013 SESSION

HOUSE SUBSTITUTE

13104574D

HOUSE BILL NO. 1889

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on January 28, 2013)

(Patron Prior to Substitute—Delegate LeMunyon)

A *BILL to amend and reenact § 22.1-295.1 of the Code of Virginia, relating to public schools; personnel files.*

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-295.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-295.1. Employee personnel files; maintenance of employee records; confidentiality of certain records.

A. Personnel files of all school board employees may be produced and maintained in digital or paper format.

B. Information determined to be unfounded after a reasonable administrative review shall not be maintained in any employee personnel file, but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses. Any dispute over such unfounded information exclusive of opinions retained in the personnel file, or in a separate sealed file, notwithstanding the provisions of the ~~Privacy Protection~~ *Government Data Collection and Dissemination Practices Act, Chapter 38* (§ 2.2-3800 et seq.) of Title 2.2, shall be settled through the employee grievance procedure as provided in §§ 22.1-306 and 22.1-308 through 22.1-314.

C. *Teacher performance indicators, or other data used by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise shall be confidential but may be disclosed (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this subsection shall be construed to prohibit the release or to limit the availability of nonidentifying, aggregate teacher performance indicators or other data.*

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