

2016 SESSION

REPRINT

CHAPTER 390

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

[H 524]

Approved March 11, 2016

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 Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), 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 *collected by or for the Department of Education or the local school board or made available to and able to be* 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, *in a form that does not personally identify any student or other teacher*, (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.