DISCLOSURE OF STUDENT PERSONALLY IDENTIFIABLE INFORMATION

This policy establishes guidelines for protecting the Personally Identifiable Information (PII) of students and the conditions that constitute legal disclosure for access to Education Records (records). The division shall notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. A copy of this policy and accompanying regulation will be included in the annual notification to parents/guardians and behavioral code of conduct book given to each student and is available electronically on the division’s website. For notice to parents/guardians or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights. A copy of the Family Educational Rights and Privacy Act (FERPA), and this policy and accompanying regulation may be online. The division shall comply with the Family Educational Rights and Privacy Act (FERPA) and its regulations as well as state law governing the confidentiality of student education records. The division shall be entitled to take all actions and exercise all options authorized under the law. In the event this policy or accompanying regulation does not address a provision in applicable state or federal law or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

A. Definitions

1. Authorized representative – any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 CFR § 99.31(a)(3) to conduct, with respect to federal- or state-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

2. Personally Identifiable Information (PII). Identifiable information that is maintained in education records and includes direct identifiers, such as a student’s name or identification number, indirect identifiers, such as a student’s date of birth, or other information which can be used to distinguish or trace an individual’s identity either directly or indirectly through linkages with other information.

3. Educational and Scholastic Records (records). Educational records include “scholastic records” as defined under Virginia law. “Educational records” under federal law are those records directly related to a student and maintained by a school division or by an entity acting for the school division. 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 results, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be maintained in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

4. Directory Information (DI). Directory Information may be released subject to the restrictions within this policy without written consent of the parent or eligible student.
The following items in a student’s record are classified as Directory Information:

a. Name and address of student and parent(s) or guardian(s);
b. Telephone listing(s);
c. Electronic mail addresses or other electronic contact information of parent(s) or guardian(s);
d. Date and place of birth;
e. Participation in officially recognized activities and sports;
f. Height and weight, if member of athletic team;
g. Dates of attendance and grade level;
h. Awards and honors received;
i. Division student ID number or other unique personal identifier used by a student for accessing or communicating in electronic systems if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user or a student ID number or other unique personal identifier that is displayed on a student ID badge, if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity such as a PIN or password or other factor known or possessed only by the authorized user;
j. Most recent educational institution attended;
k. Other similar information specified by administrative regulation including the Loudoun County Public Schools (LCPS) Student Rights and Responsibilities Handbook (SR&R)

5. School Official. School Officials who have a legitimate educational need shall have access to PII without prior parental or eligible student consent. School Officials are defined as:

a. a person employed by the School Board
b. a person appointed or elected to the School Board
c. a person employed by or under contract to the School Board to
perform a special task, such as an attorney, auditor, medical consultant, or therapist

d. a contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education records

6. Custodian. The Principal or designee of the record. For former students, the Records Manager may be the custodian.

7. Entity/Entities. A person, partnership, organization, educational agency, institution or business that has authorization through federal, state or local policies to conduct matters with or on behalf of the Division.

8. Disclosure. Means permitting access to, releasing, transferring, or otherwise communicating by oral, written, or other means, records, and the PII contained in the records.


10. Release. Means providing specific information from records upon receipt of an authorized request.

11. Transfer. Means the surrender of the record or a transcript of the record.


a. A parent may be a biological or adoptive parent, step-parent who is present on a day-to-day basis with the natural parent and child, and the other parent is absent from that home, legal guardian, or person acting as parent in the absence of a parent or guardian. Unless provided with evidence to the contrary, School Officials shall presume the parent has authority to exercise the rights provided in this policy.

b. A student is a person for whom records are maintained by School Officials including former students.

c. An eligible student under these policies is any present or former student who is eighteen years of age or older. The rights and consent required by parents shall pass exclusively to the student upon reaching the age of eighteen years.

13. Legitimate Educational Interest. A school official has a legitimate educational interest if the official is:
a. performing a task that is specified in their position description or by an 
agreement with the Loudoun County School Board; 
b. performing a task related to a student's education; 
c. performing a task related to the discipline of a student; or 
d. providing a service or benefit relating to the student or student's family, 
such as health care, counseling, job placement, or financial aid.

B. Disclosure of Records with Consent

1. Any parent or eligible student, who consents to the disclosure of PII under 
this policy, shall be provided upon request and payment of a fee not to exceed the 
amounts listed in the fee schedule noted in Regulation 8040, with a copy of the student’s 
records.

2. Written consent of the parent or the eligible student is required before 
disclosing PII from a student’s record to any third party not subject to an exception under 
this Policy or as otherwise provided in law.

3. Written consent for disclosure of records must be signed and dated by the 
parent or eligible student and shall include:

   a. The scope of the records to be disclosed. 
   b. The reasons for disclosure. 
   c. The requestor to whom the records are disclosed. 

4. In all cases in which a student is enrolled in the Virginia Medicaid program, 
the division shall release directory information consisting of the student’s name, date of 
birth and gender to Virginia’s Medicaid agency) to verify Medicaid eligibility of students. 
The division shall obtain written consent annually from a parent/guardian before the 
release of any non-directory information required for billing. To accomplish this, the division 
shall:

   a. include a consent form with the “start of school” information each fall. 
   b. include a consent form with IEP packet materials. 
   c. include a consent provision referred to as “acknowledgements” in the 
online systems for annual verification.

C. Disclosure of Records without Parental or Eligible Student Consent

1. Personnel shall have the responsibility for protecting the confidentiality of 
records. The school division will use reasonable methods to identify and authenticate the
identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records

2. Records may be released without prior written consent of the parent or eligible student upon request to the school officials provided such release does not violate any state or federal law:

a. Entities in connection with a student’s application for or receipt of financial aid (aid), provided the information is requested to determine the eligibility of the student, the amount of aid or the conditions of the aid, or to enforce the terms of the aid.

b. Entities conducting studies for the purpose of developing, validating and administering predictive tests, student aid programs or improving instruction, shall conduct studies in a manner that will not disclose the PII of students and their parents, by persons other than representatives of these entities. The results of the study shall be destroyed when the information is no longer required for the purpose for which it was collected.

c. Accrediting entities involved in accreditation of Loudoun County Public Schools.

d. Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986.

e. The staff of a college, university, or educational research and development organization or laboratory, at the discretion of the Division Superintendent or designee, if such information is necessary to a research project or study conducted, sponsored, or approved by the entity, provided that no student will be identified by name.

f. An officer or employee of the federal government seeking information in the course of their duties about a student who is a veteran of military service with the United States, or is an orphan or dependent of a veteran, or is an alien.

g. Representatives of the federal government, state educational authorities, or the Division Superintendent or designee of Schools as authorized by and subject to the restrictions of law and regulations.

h. An officer or employee of a city or county agency responsible for protective services to children regarding a student referred to that agency as a minor requiring investigation or supervision by that agency.

i. The school division discloses or makes available to guardian ad litem,
on request, any information, records, or reports concerning a student for whom a petition for guardianship or conservatorship has been filed that the guardian ad litem determines are necessary to perform his duties under Va. Code § 64.2-2003.

j. State or local law-enforcement officers, including probation officers, parole officers, or administrators, or members of a parole board seeking information in the course of their duties.

k. Appropriate entities in connection with an emergency if the content contained in the records is necessary to protect the health or safety of the student or others.

(i) Before releasing records, the custodian must take into account the seriousness of the threat to the health or safety of the student or others. The custodian will assess the need for the requested records to meet the emergency, the position and responsibility of the person to whom records are released, and the extent to which time is critical in defusing the emergency.

(ii) In making this determination, the custodian may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the custodian determines that there is an articulable and significant threat to the health or safety of a student or other individuals, the custodian may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. A rational basis for the determination is required.

(iii) The following information must be recorded and maintained with the record of disclosures when making a release of information for health or safety reasons:

(a) The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and

(b) The entities to whom the agency or institution disclosed the information.

3. Records shall be released in compliance with judicial order or pursuant to any lawfully issued subpoena, provided that the custodian of the record makes a reasonable effort to notify the parent of the student or the eligible student of the judicial order or subpoena, in advance of compliance, so that the parents may seek protective action,
D. Record of Disclosures

1. The custodian shall keep permanently with the student's record, a disclosure showing:
   a. Person/Entities who have requested and/or obtained access to or release of records, except the parent or eligible student or personnel as defined within this policy.
   b. Entities who have requested and/or obtained transfer of records.
   c. The date of disclosure.
   d. The specific legitimate purpose for disclosure.
   e. The signature of the custodian of the records or personnel.

2. The record of disclosure will be placed permanently in the student's cumulative file.

3. The record of disclosure shall be available to the parent or eligible student, to School Officials responsible for the record system, and to federal, state, and local officials as required.

4. Release of Directory Information as defined in this policy shall not be entered on the record of disclosure.

E. Redisclosure of Information Contained in Records.

1. PII from records, with the exception of DI, shall be disclosed to parties other than the parent or student authorized entity only on the condition that said entity will not redisclose such information without the written consent of the parent or eligible student. Any disclosure of personal information to said parties shall have attached a written statement notifying the recipient of this limitation on redisclosure.

2. Written assurance of compliance with this redisclosure may be required by the custodian or School Official of any records before disclosing the records to any entity.

F. Directory Information (DI).

1. DI may be released to entities without written consent of the parent or eligible
a. Annual written and public notice of the items designated as DI has been provided in hardcopy and on the LCPS division webpage.

b. Any parent of an eligible student may, within fourteen days after written or public notice has been provided, notify the school in writing that all or any part of the items designated as DI about the student shall not be released without prior consent.

2. This policy conveys no right or obligation to non-school organizations, agencies, or persons requesting DI.

3. Any entity requesting DI shall not sell or share (redisclose) directory information for mailing lists or other commercial purposes.

4. Directory information may not include the student’s social security number, and no school shall disclose the address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure.

G. Transfer of Records.

1. A copy of the educational record, including the disciplinary file, of any student transferring to any school outside the Loudoun County Schools, including institutions of postsecondary education, shall be sent promptly upon request to the appropriate official of the school in which the student seeks or intends to enroll.

2. The parent of any student, or an eligible student, whose records are transferred to another school, shall be provided with a copy of the records upon request and at the actual cost of reproduction and shall have an opportunity for a hearing to challenge the content of those records.

H. Dissemination and Maintenance of Records About Court Proceedings

1. Adjudications

a. The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G. contained in a notice received pursuant to Va. Code § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such
b. A parent, guardian, or other person having control or charge of a student, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

c. Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 received by a superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260, the notice shall become a part of the student's disciplinary record.

d. Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in Va. Code § 22.1-253.13:4.

2. Petitions and Reports. The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to Va. Code § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

a. If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department which sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.

b. Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel within the division. The principal may further disseminate the information
regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.

c. If the superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

3. Protective Orders and Orders Prohibiting Contact with a Child. Any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations district court, or magistrate has issued a protective order for the protection of any child who is enrolled at the school, or any other order prohibiting contact with such a child, notifies licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued

[Former Policy §8-74]
Adopted: 6/12/79
Revised: 3/10/87, 6/22/93, 7/1/97, 4/25/06, 11/29/11, 6/27/17
Current Revision: ______