

Ordinance 2024/25-68

Section 9-23.4. Dissemination of Information about Court Proceedings; Notification in writing of any disciplinary action; record maintained by Superintendent; petitions and reports.

A. The superintendent or superintendent's designee shall disseminate the notice or information ~~about an adjudication or conviction~~ 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 §16.1-305.1 of the Code of Virginia (1950), as amended, to the 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 support services to the student; and
- (2) have a legitimate educational interest in such information.

B. A parent, guardian, or other person having control or charge of a student, and, with the 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 the 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~~ the superintendent and by any others to whom ~~he~~ the superintendent 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.

If the child is not enrolled in the division when notification is received pursuant to Va. Code § 16.1-305.1, the superintendent forwards the notification to the superintendent of the school division where the child is enrolled or where the child intends to enroll, as evidenced by the division's receipt of a request from another division for the child's scholastic record.

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.

D. 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:

- (i) 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.

- (ii) 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.
- (iii) 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~~ the superintendent 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 a report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

(Adopted February 9, 1999; Revised May 13, 1999; Ordinance Number 98/99-10; Revised June 13, 2013; Ordinance Number 12/13-128; Effective Date: July 1, 2013; Ordinance 21/22-28, Revised November 4, 2021)

Legal Authority - Virginia Code §22.1-288.2 (1950), as amended.