

***Wayne County Board of Education
Policies Update: (Operations) (3)***

- ***Policy 8330 (Operations: Student Records)***
- ***Policy 8800 (Operations: Religious/Patriotic Ceremonies and Observances)***
- ***Policy 8350 (Operations: Confidentiality)***

***Your comments concerning these policy should be sent
in writing (mail or email) to:***

***Mr. Todd Alexander
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***These policies are out for public comment for 10 working days beginning
Tuesday, April 21, 2026 through Monday, May 4, 2026***

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Vol 17-1/Vol 17-2 Ready for TAA/Director
Title	Revised Policy - Vol. 17, No. 1 - April 2025 - STUDENT RECORDS
Code	po8330
Status	
Adopted	November 16, 2017
Last Revised	July 25, 2023

Revised Policy - Vol. 17, No. 1 - April 2025

8330 - STUDENT RECORDS

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

~~Student~~ Except for data identified by policy as "directory data," student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the County reasonably believes knows the identity of the student to whom the education record relates.

Reference in this policy to "directory data," includes reference to "directory information," in the context of the Family Educational Rights and Privacy Act (FERPA).

The Board is responsible for the records of all students who attend or have attended schools in this County. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School or County or specifically permitted by this Board will be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" or "adult student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of adult students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under Section 152 of the Internal Revenue Code, and provided that the student has not made a written request to the County that his/her parents not be permitted access to personally identifiable information from his/her records.

A parent, guardian, foster parent, or kinship placement may not be denied access to the health records of their minor child unless a court order blocks access, the minor child has graduated from high school or equivalent, the minor child is emancipated, or the minor child is married. No release, authorization, or any form of permission by the minor child may be required or requested for a parent or legal guardian to obtain the records.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant), and
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g., a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must 1) perform institutional services or functions for which the Board would otherwise use its employees, 2) be under the direct control of the Board with respect to the use and maintenance of education records, and 3) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" is defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the County" or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to suspensions and expulsions upon request to a public or private school or county in which a student of this County is enrolled seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
 - 1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification - Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
 - 2. the parent or eligible student, upon request, receives a copy of the record; and
 - 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- C. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- D. release de-identified records and information in accordance with Federal regulations;
- E. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the County for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the County will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14)

Further, the following personally identifiable information will not be disclosed to any entity: a student's or his/her family member's social security number(s); religion, political party affiliation; voting history; or biometric information.

[Countys without AGs should include the following paragraph] This written agreement must include: 1) specification of the purpose, scope, duration of the study, and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- F. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

[Option A – the following sentence should be selected by Countys with AGs] The County will verify that the authorized representative complies with FERPA regulations.

[Option B – the following two (2) paragraphs should be selected by Countys without AGs] This written agreement must include: 1) designation of the receiving entity as an authorized representative; 2) specification of the information to be disclosed; 3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements; 4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; 5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed; and 6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the County will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the County will verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation or enforcement of a government-supported educational program. The County will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the County will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the County will verify that the information is destroyed when no longer needed for the audit, evaluation or compliance activity.

- G. request each person or party requesting access to a student's record to abide by Federal regulations and State laws concerning the disclosure of information.

In addition to the responsibilities above noted, each principal of a school at which a student is enrolled which student has had imposed a suspension or expulsion pursuant to 18A-5-1a, Code of West Virginia, shall record such suspension or expulsion in the West Virginia Education Information System by creating an electronic record within twenty-four (24) hours of the imposition of the same. Each record of such suspension or expulsion shall include the student's name and identification number, the reason for the suspension or expulsion, and the beginning and ending dates of the suspension or expulsion.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, without the written consent of the student, except those persons or parties stipulated by the Board's policy and administrative guidelines and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

DIRECTORY INFORMATION

Each ~~year~~ year, the Superintendent shall provide public notice to students and their parents of the County's intent to make available, upon request, certain information known as "directory information." Directory information includes the following individual student information: student name, address, telephone number, email address, photograph, date and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, indication of graduate or non-graduate, degrees and awards received, and the most recent previous educational agency or institution attended.

The Board designates as student "directory information":

- A. ☒ a student's name;
- B. ☒ address (except for students participating in the Address Confidentiality Program Act);
- C. ☒ telephone number
- D. ☒ date and place of birth;
- E. ☒ major field of study;
- F. ☒ participation in officially recognized activities and sports;
- G. ☒ height and weight, if a member of an athletic team;
- H. ☒ height if a member of an athletic team;
- I. ☒ weight, if a member of an athletic team that requires disclosure to participate;
- J. ☒ dates of attendance
- K. ☒ date of graduation;
- L. ☒ awards received;
- M. ☒ honor rolls;
- N. ☒ scholarships;
- O. ☒ telephone numbers for inclusion in school or PTO directories;
- P. ☒ school photographs or videos of students participating in school activities, events, or programs;
- Q. ☐ _____

[The following option should be selected if the Board assigns school e-mail accounts to students per Policy 7540.03. *This option is provided to address potential confidentiality issues presented by Policy 7540.03 and is supported by Federal FERPA regulations 34 C.F.R. 99.37(d).]

[x] The Board designates school-assigned e-mail accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes (**x**) and for inclusion in internal e-mail address books.

School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider (**x**) and internal users of the County's Education Technology.

Directory information shall not be provided to any organization for profit-making purposes. Countys may authorize the release of limited directory information as defined in West Virginia Board of Education policy 4350 for local fundraising efforts such as yearbooks, athletic programs, theater bills, and similar efforts, pursuant to the provisions of West Virginia Board of education policy 4350, regarding parent and eligible student refusal to release of such information.

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" upon written notification to the Board within ten (10) days after receipt of the Superintendent's annual public notice.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student, as defined in West Virginia State Board of Education policy 4350, or parent of the student may request in writing that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces." The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

INSPECTION OF INFORMATION COLLECTION INSTRUMENT

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a ~~student-student's~~ or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least five (5) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within three (3) business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazines, and programs providing access to low-cost literary products
- C. curriculum and instructional resources used by elementary and secondary schools

- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
- E. the sale by students of products or services to raise funds for school-related or education-related activities
- F. student recognition programs

[x] The Superintendent is directed to prepare administrative guidelines so that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

[x] The Superintendent shall also develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

WV Code 18A-5-1a (1) and (2)

34 C.F.R. Part 99

20 U.S.C., Section 1232f through 1232i (FERPA)

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165(b)

20 U.S.C. 7908

West Virginia Board of Education policy 4350

Cross References

po5330 - USE OF MEDICATIONS

po5335 - CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

po8350 - CONFIDENTIALITY

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WV Code 18A-5-1a (1) and (2)

34 C.F.R. Part 99

20 U.S.C., Section 1232f through 1232i (FERPA)

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165(b)

20 U.S.C. 7908

West Virginia Board of Education policy 4350

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Volume 17-2 Ready for TAA/Director
Title	Revised Policy - Volume 17, No. 2 - August 2025 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES
Code	po8800
Status	
Adopted	January 23, 2018
Last Revised	July 23, 2024

Revised Policy - Volume 17, No. 2 - August 2025

8800 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities that should be the exclusive province of individual religious groups, churches, private organizations, or the family.

~~District~~County staff members shall not use prayer, religious reading, or religious symbols as a devotional exercise or in an act of worship or celebration, in a school setting. The ~~District~~County shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on ~~District~~County property by any party shall be in accordance with Policy 7510 and AG 7510A – Use of ~~District~~County Facilities and Policy 9700 – and AG 9700 – Relations with Special Interest Groups.

The Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs.

Any student enrolled in the ~~District~~County may choose to engage in religious expression before, during, or after school hours in the same manner and to the same extent that a student is permitted to engage in secular activities or expression. However, no student shall be required to participate in any religious expression or activities.

The County shall not require observance of religious holidays through devotional exercises or acts of worship. Acknowledgment of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works is permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

The County shall not substantially burden a person's exercise of religion unless applying the burden to that person's exercise of religion in a particular situation is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. Furthermore, the County shall not treat religious conduct more restrictively than any conduct of reasonably comparable risk; nor shall it treat religious conduct more restrictively than comparable conduct because of alleged economic need or benefit.

[] The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

[] The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

The flag of the United States, four by six feet, of regulation bunting shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day unless the flag is lighted. Any United States flag of flag or the State of West Virginia

purchased out of the District Board building fund or with State funds must be manufactured in the United States. The teacher, custodian or other person in charge of the building during the session is responsible for this flag being displayed at the school.

[CHOOSE OPTION 1 OR 2]

[x] [OPTION 1]

Professional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. However, no student shall be compelled/required to participate in the recitation of the Pledge. Additionally, the Board prohibits the intimidation of any student by other students or staff for the purposes of coercing participation. The Superintendent shall develop administrative guidelines ~~which that~~ ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student.

[] OPTION 2

Professional staff members are not authorized to lead students in the Pledge of Allegiance during the school day.

[END OF OPTIONS]

~~The national motto, "In God We Trust," as an important part of our country's history and heritage, shall be prominently displayed at each public elementary or secondary school and at other Board-owned facilities. Any costs associated with establishing and maintaining such displays shall be paid for by private donations and/or gifts, grants and bequests received by the Board.~~ in a conspicuous location within a common area of the main building of the school that is accessible to the public. The national motto may also be displayed in a similar location in common areas of other buildings of the school.

A durable poster or framed copy of the United States national motto, "In God We Trust," shall be a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or information.

A public elementary or secondary school may accept and use private donations for the purposes of displaying the national motto. No public funds may be used for this purpose. The displaying of the national motto is applicable to public charter schools authorized pursuant to WV Code 18-5G-1 et seq.

[] Further, the POW-MIA flag, as a symbol of citizen concern for military personnel taken as prisoners of war (POW) or listed as missing in action (MIA), shall be displayed at each school and at other Board-owned facilities. The POW-MIA flag shall be raised, weather permitting, before the opening of school and taken down at its close every day unless the flag is lighted. Any costs associated with the display of the POW-MIA flag shall be paid for by private donations and/or gifts, grants and bequests received by the Board.

20 U.S.C. 4071 et seq.

Gregoire vs. Centennial School District, 907 F.2d 1366, (3rd Cir. 1990)

Lee vs. Weisman, 505 U.S. 577 (1992)

WV Code 1-6-1

WV Code 5-6-17

WV Code 18-5-24

WV Code 18-5-15b

WV Code 18-9H-1 (a), (c)

WV Code 18B-14-12 (a)

WV Code 18-33-1 et seq.

WV Code 35-1A-1

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20 U.S.C. 4071 et seq.

Gregoire vs. Centennial School District, 907 F.2d 1366, (3rd Cir. 1990)

Lee vs. Weisman, 505 U.S. 577 (1992)

WV Code 1-6-1

WV Code 5-6-17

WV Code 18-5-24

WV Code 18-5-15b

WV Code 18-9H-1 (a), (c)

WV Code 18-33-1 et seq.

WV Code 18B-14-12 (a)

WV Code 35-1A-1

Book Public Comment Period 4/17/26 thru 5/5/26

Section Volume 17-2 Ready for TAA/Director

Title Volume 17, No. 2 - August 2025 - CONFIDENTIALITY

Code po8350

Status

Volume 17, No. 2 - August 2025

8350 - **CONFIDENTIALITY**

State and Federal law requires that student education records be maintained as confidential. See West Virginia State Board of Education policy 4350. This policy and State and Federal law further exempts certain information and records from public disclosure. Accordingly, the Board of Education is obligated to take appropriate steps to maintain certain information and records as confidential. Individuals who have access to student education records may not remove them from Board property without express permission from their building principal or supervisor. An individual authorized to remove student education records from school property is responsible for the safety and security of the records and for returning them to the District intact. Confidential information and records may not be disclosed except as authorized by Board policy and administrative guidelines. Individuals who have access to confidential information and records while employed by the Board are reminded that their legal obligation to maintain such confidences extends beyond their term of employment in the District and they are prohibited from releasing, disclosing or otherwise disseminating confidential information or records subsequent to leaving the Board's employ. The Board directs the Superintendent to prepare guidelines concerning Board employees' duties to maintain certain information and records as confidential consistent with West Virginia State Board of Education policy 4350 referenced above.

A parent, guardian, foster parent, or kinship placement may not be denied access to the health records of their minor child unless a court order blocks access, the minor child has graduated high school or equivalent, the minor child is emancipated, or the minor child is married. No release, authorization, or any form of permission by the minor child may be required or requested for a parent or legal guardian to obtain the records.

It is further the policy of the Board of Education that when the District receives in trust from a public agency information identified as confidential (whether such information is confidential by West Virginia Statutory or Case Law, Federal Statutory or Case Law or duly adopted State or Federal regulation), the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

The following portion of this policy applies only to identified confidential information received from a public agency.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

- A. denying requests for release of such information absent subpoena or court order;
- B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Board will attempt to notify the public agency ~~which~~ that provided the information of the request for release of such information prior to complying with the request.

West Virginia State Board of Education policy 4350

WV Code 16-29-3

Cross References

po5330 - USE OF MEDICATIONS

po5335 - CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

po8330 - STUDENT RECORDS

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Legal

West Virginia State Board of Education policy 4350
WV Code 16-29-3

Cross References

po5330 - USE OF MEDICATIONS
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