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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation(s)	8 VAC 20-150
Regulation title(s)	Management of the Student's Scholastic Record in the Public Schools of Virginia
Action title	Update to comport with legislative changes made by HB 449 (2014) restricting disclosure of personally identifiable information in a student's record to a federal agency or representative of such agency
Final agency action date	November 20, 2014
Date this document prepared	November 3, 2014 (revised June 1, 2015)

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The 2014 General Assembly passed, and the Governor signed into law, HB449, which amends the Code of Virginia by adding § 22.1-287.01. The new section provides that, "Except as required by federal law or regulation, no member or employee of a local school board or the Department of Education shall transmit personally identifiable information, as that term is defined in the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations, from a student's record to a federal government agency or an authorized representative of such agency." The amendment to 8 VAC 20-150-20 brings existing regulations into conformance with the requirements of the Code of Virginia.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Virginia Board of Education approved the changes to the Management of the Student's Scholastic Record in the Public Schools of Virginia on November 20, 2014.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed amendment will increase family privacy protections, thus enhancing the institution of the family and family stability.