



COMMONWEALTH of VIRGINIA
Department of Education

July 1, 2016

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: *Code of Virginia* Amendment Regarding the Confidentiality of Teacher Performance Data

The purpose of this memorandum is to inform you that the 2016 General Assembly passed [House Bill 524](#) amending Section 22.1-295.1 of the *Code of Virginia* regarding the confidentiality of data on teacher performance. Highlighted below is the amended text of this section of the *Code*.

§ **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.

If you have any questions or need additional information, please contact Mrs. Patty S. Pitts, assistant superintendent for teacher education and licensure, at (804) 371-2522 or Patty.Pitts@doe.virginia.gov.

SRS/psp

