



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 Freedom of Information Act Exclusions of Licensure Records

The purpose of this memorandum is to inform you that the 2016 General Assembly passed [Senate Bill 564](#) amending Section 2.2-3705.3 of the *Code of Virginia* regarding Freedom of Information Act exclusions of licensure records. Below is item 12 of the bill highlighting the amendments for this section of the *Code*.

§ [2.2-3705.3](#). Exclusions to application of chapter; records relating to administrative investigations.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

...12. ~~Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation~~ Records of (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, or revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of (a) application records to the applicant at his own expense or (b) investigation records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The *completed investigation* records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law....

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

