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Loudoun County School Board, Student Services Committee Meeting, Thursday, March 16, 2023

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Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 33m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/809203943?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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[00:00:00] as a action item and we're open to any questions the committee members have. - Board members, any questions on this policy? No questions? Looks like we're good to go. Do you have a motion?

[00:00:17] - I move to recommend to the school board policy 8610 student records for adoption as well in board docs, but as edited and revised by staff and the committee.

[00:00:35] - Second, okay. The motion made by Ms. Sheridan, Seconded by Ms. Ogdovey, any questions, any comments, none? All those in favor, raise your hand, say aye, aye. The policy 8610 would be brought, I guess would be recommended to the full board as information item at the next meeting, thank you.

[00:00:53] We'll move on to item number 4.02, policy 5040, high school counseling services for elementary, middle and high school. And I guess I'll pass down to Dr. Jones. - Thank you, Mr. Mejedevi.

[00:01:09] you recall at our last meeting Miss Evans director of student mental health services presented this policy this draft policy we've made all the updates based on feedback that we had received and to align more closely with the code of Virginia and to bring some things out of the regulation and actually in the policy and so we have no further edits for this and ask that you approve this to go to the full school board as an information item

[00:01:38] board members any questions comments i guess this is probably the quickest we had and so i don't really have much questions i think thanks for making the changes and i think it's uh in line with i think what we discussed last time so do we have a motion to to send this to the full board as well i move that the committee ask that staff bring this forward to the school board as an information item at the next full school school board meeting um as revised or as created and

[00:02:16] and reflected in board docs. - Second. - Second. Any further, the motion made by Ms. Ogdebay, seconded by Ms. Sheridan. Any further question? All those in favor, raise your hand and say aye. - Aye. - Please note that this policy is passed with 3-0 vote and will be brought up as an information item to the next, thank you.

[00:02:40] We'll keep on with this. So item number, section, item number five, so 501, I think we're bringing in a new policy, 84, 8440 student athletes sudden cardiac arrest. This is the first time we're bringing the policy to the committee. So I guess I'll pass it back to you, Dr. Jones.

[00:02:58] - Thank you. We have Mr. Derek Ferry, who is the assistant director of athletics and extracurricular activities. He has led the championed this particular new policy. And in doing so, we work very collaboratively with the department of instruction and the department of student services, student health services on this.

[00:03:18] So I will ask for Mr. Ferry to present this and we're happy to support with any questions you may have. - Thank you, Dr. Jones. So this policy is new because the state code 22.1-27.8, which required school divisions to adopt a policy.

[00:03:44] The Virginia Department of Education adopted guidelines and policies on sudden cardiac arrest prevention student athletes on september 15th of 2022 we reviewed their guidelines and are bringing forth this recommended policy as examples based on the guidance provided by the virginia department of education so in summary i can read through this real quickly in order to participate in extracurricular physical activity each student athlete and the student athletes parent or guardian must review on an annual basis information provided

[00:04:23] by the school division on symptoms that may lead to sudden cardiac arrest. After reviewing the materials, each student athlete and the student athlete's parent or guardian must sign a statement acknowledging the receipt of such information in a manner approved by the Virginia Department of Education.

[00:04:40] A student athlete who is experiencing symptoms that may lead to sudden cardiac arrest must be immediately removed from play. A student athlete who is removed from play shall not return until he, I should, sorry, he or she is evaluated by and receives written clearance to return to physical activity by an appropriate licensed healthcare provider as determined by the Virginia Board of Education.

[00:05:11] Licensed healthcare provider evaluating student athletes may be a volunteer. The superintendent shall be responsible for developing and biannually reviewing and updating procedures to implement this policy.

[00:05:28] Any questions? I do believe on line 10, I need to say he or she. - Actually, we'll just replace it with the student instead of, you know, I'm pronoun, just say student. - Or say student.

[00:05:47] - It's a student athlete. - Thank you, Dr. Ferrer, I'm sorry, board member. Ms. Ogdevey? - It's not really a question, but just a comment that I, I mean, obviously this is required by Virginia code, and so that's, but I just appreciate this.

[00:06:03] Being a parent of student athletes, my oldest played competitively in high school and then in college, and of course it's terrifying watching what can happen sometimes. And I know that the pressures on the athletes and on the coaches to play and so forth is sometimes immense.

[00:06:19] And having clear guidance here that outlines, there's no question, you're not coming back until you're cleared is so helpful and for the health of our student athletes. So I just, for that reason, again, I know it's required, but I still appreciate it for that reason. So thank you.

[00:06:36] Thank you. Ms. Sheridan? I was just curious, do we actually have volunteers that are providing this evaluation? Not at this time, but we will be looking for partnerships.

[00:06:53] We are looking at partnerships in other areas that involve student-athletes, such as our concussion protocols. So we will seek out volunteers that might provide resources to our students that might not be able to afford it. Right. No, I appreciate that being in there.

[00:07:10] and I guess that's part of the code that, or is that just something we're saying? - It is part of the code. - Okay, thanks, appreciate that information. - Thank you. So Mr. Ferry, I guess I have a question on line number 15, and just to understand what that means.

[00:07:27] The superintendent, I guess, shall be responsible for developing biennial, biennial reviewing it. I mean, so I think we need, I'm not sure, biennial review, or is it biannally reviewing and updating procedures to implement this policy?

[00:07:48] So can you explain what that line means? - So just with most of our policies that are regarding student health, there's obviously some new information that could come available. So we're supposed to review our policy and regulations on a biannual process.

[00:08:09] We're getting ready to create a regulation And I would form a committee that would review this information and make recommendations to the regulation and if there need to be changes to the policy. So I think we should spell it out that it will come back to as a regulations versus just if that's I think I'm presuming that you will actually have a regulation that will go along with it to describe what the process and the procedures will be.

[00:08:34] I do have the regulation but I can share that with you at the next committee meeting. I didn't bring enough copies for you all. - Oh, okay, you do have regulations built up for this thing as well, okay. And my other ask, which I'm sort of going back and asking in all new policies that we're putting together is that even in this case, how are we gonna report to the full board?

[00:09:00] I guess Dr. Jones, the question is, so on a yearly basis, I think it'll be good for the board to know that how many of these incidents happened, quantitative, I don't wanna know which student what, but I think we need to know how many incidents happen and how many that, so that's coming back to, if you're gonna have this and evaluate them, then I would like to understand, get a report on that.

[00:09:27] - Can you repeat the question? Are you asking in Loudoun County public schools how often this occurs, or are you asking? - Talking about Loudoun County. I don't care about outside of Loudoun County. - Okay. - I mean, I care, but from where I'm sitting as a board member, I wanna know how many of these, if

there are, I mean, this is again, talk specifically to certain cardiac arrests so I specifically want to know that if such things have happened I want to I want to know that okay yes we track it in the IMS it's our emergency system so currently we've not since I've been in this position for six years we've not had

[00:10:03] a student-athlete experience cardiac arrest but we have had a spectator in our stands which we addressed and we're able to take care of him when you recognized those individuals at one of your board meetings well thank god and I think we hope that in the future also we don't have it correct but yes we and we can provide that I just want to add a line in the policy that it's covered that there is an incident that the board members are notified and they made aware of that thank you any further questions comments no so dr. Jones this is policy is going to go through the

[00:10:38] full process going to go to SEAC MSAC open for public commenting and so on so forth I guess yes sir we will be submitting this to be posted for public feedback and comment as well as it will go to all of our parent committees CEAC MSAC leaf and the equity committee I believe we send that as well and when we bring this back for another reading the input that you've provided as well as any input that we will receive I'll work with mr. Ferry to provide those

[00:11:15] updates thank you I don't think we have any more questions comments I guess we look forward to getting the feedback and and coming back and revisiting this policy again thank you we can move on to the next item 502 review policy 8640 disclosure of student PII information and I'm passing on to Mrs. Smith good afternoon thank you for the opportunity to present on policy 8640 disclosure of

[00:11:54] of student personally identifiable information or PII. This policy was presented to the school board as part of the work session on the December 13th as part of the response to the special grand jury report. So these changes are in alignment with that and that policy is flowing through this, that policy review process.

[00:12:13] It did already receive feedback from MSAC and SEAC and they have been included in this policy. This policy was also approved in September of 2022. So it just recently came through the committee, But again, there were recommendations, so we're bringing it back through with those changes. At this point, I'll walk through some of the substantial changes.

[00:12:32] You'll see a lot of changes in here, which were good recommendations from SEAC and MSAC. They helped us with their feedback to clean up the policy. You'll see things like capitalization of defined terms, so spelling things out in the official name of them, just kind of consistency throughout the process.

[00:12:47] So they were actually really good, and it helped us clean that up a bunch. So the first change I'll walk through is Section A, Item 2, which basically provides a clearer definition of PII versus what was originally there. PII is the student's name, the name of the student's parent or family members, address of the student and student's family, personal identifiers, such as the Social Security number, which I will stress we do not use student Social Security numbers in the district.

[00:13:14] They get assigned a student ID number. Other indirect identifiers, such as date of birth, place of birth, mother's maiden name, and other items. so this helps spell out specifically what's included in PII the next section is section a item for directory information again this provides a clear definition of directory information including what would be good well any data that would not be considered harmful or an invasion of data privacy again those were recommended changes and then it lists here everything that was

[00:13:49] pre-existing in the policy section a item 5 school official we received feedback that this wasn't clear on who was a school official so we added specific state code language on who a school official is and those are individuals under direct control of the school board with respect to the use and maintenance of the educational records again just providing that embedded document versus cross-referencing that in a state code the next change is item D which also includes ensuring that there's reasonable access methods with restrictions so it's not providing a full data set as providing this specific

[00:14:29] request a data set or limited view into that data set depending on the need the next section is section 12 item C section section a item 12 C which basically states that notwithstanding those obvious may still provide an eligible students parents with access to an educational records if they're above the age of 18 that's from state code there are instances where we have students that are over the age of 18 and parents still need access to that

[00:15:00] educational record the next substantial change is section C item 2 and this clarifies the language that else means comply to the extent of the law when records are disclosed without consent again this is not changing existing processes this is going to just clarifying our existing processes and practices in the policy and codifying that the next substantive changes you'll see changes for consistency through the next page the next pay the next substantial change

[00:15:36] will be on page 8 which is section c item 2k and this language is from division council and responses of special grand jury specifically emphasizing that lcps should otherwise endeavor to provide as much relevant information to the community about security incidents when they occur or during lcps school-sponsored activities in order to foster transparent communication again directly from division council the next item is section c item three which specifies that when

[00:16:11] practicable the custodian of the records lcps will send written notification to parents of the student or the eligible student when they're when records are released in compliance with the judicial order or other lawfully issued subpoena again i believe that came directly out of subpoenaed requests for information through the special grand jury that was just codified on the process to included section D clarifies when a student record acts when LCPS will record access to records so if depending on the way a record request is made

[00:16:48] LCPS must document and record specific information about the record disclosure so it includes updated language regarding when we do need to record that and then also items where we don't need to record that example if a parent makes the request or the student request to see their record we don't mess we don't need to keep the data we don't need to keep a record of that request but if a subpoena request came in we would need to keep that request the next substantive change is section G item 4 and that clarifies that LCPS gets consent from

[00:17:28] parents to release information parents can opt-in or opt-out of sharing that information and that's part of this the paperwork students fill out on their virtual first day packet with their student rights responsibilities and the parents information that they fill out and again I just want to stress it does say social security number in this section I believe but LCPS does not store social security numbers for any student at all at any time the next section is section H3 and this captures the current process for promptly sending student data to schools when a student transfers currently electronic record

[00:18:07] transfers happen same day as soon as the systems pick up that that change has happen and physical records are transferred like student cumulative folders that they keep that are physical records.

Those usually occur within a day or two as the pony picks up those secure packages and takes them from school to school. So it's usually a pretty quick process.

[00:18:24] Again, just codifies the process. And the last, the next substantial change is section I item 2C, which again comes from language added by division counsel in response to the special grand jury regarding the process for student transfers the handoff of records and when there are safety concerns and all those that need to be involved in that process so that those are the changes listed in policy that we have updated I also included as an information item the data privacy agreement which is something that all of our vendors must sign this

[00:19:04] is the video e data privacy agreement but I would say it's it's mostly loud in state of privacy agreement I think we have some people here who did a heavy lift for that for the state to write that but this is something that all vendors that that we engage with or have access to data and must sign that it's part of our procurement process and our onboarding process for any software title that we bring on so it's not specifically called out in the policy but I just kind of want to highlight that we do have practices and safeguards in place when we do provide access to student data for things like vendors and those type of things so that is what I have for the policy and I'm open to take any questions thank you Smith so before we kind of open up the questions for

[00:19:42] board members I don't know I think you mentioned you you already incorporated the feedback coming from the parental advisory committees there's some can you point out I don't know if you were tracking any specifically with some of the feedback that you already incorporated into the policy already that'll be helpful at a high level it's everything that's not the two state grand jury since the policy just went through the review process in September we actually received substantial feedback from CX specifically that really helped us clean up the policy so it's a lot of the any of the changes that weren't directly related to the special grand jury really what came out

[00:20:20] of those feedback loops from those and we sincerely appreciate it and I think the policy reads clear and it makes it more consistent throughout the entire policy when it's nine ten pages long so just to so the example would be like if I'm looking at page five the red line item on page five notwithstanding with foregoing would that be something coming from CX recommendation correct my understanding is they had someone who's very familiar with student data and PII who went through here and made some recommendations to help clarify so we we feel they aren't substantive changes but they help clarify the intent of the

[00:20:57] policy so we we took all of those I think there were 20 or so recommended changes and we'll read them with division council but to ensure that they we were in compliance and when it made sense to include them we went ahead and added them and on the page number 8 section K that's from the legal or that's also from advisory count that item is from legal that's in response to the special grand jury report board members any questions comments yes miss

[00:21:31] thank you chair I I had a couple of questions one was a question about the title of the policy because I think some of the record disclosures could be student data like educational records not necessarily PII because it seems like this is a comprehensive policy around all student data so I'm wondering if a title for the policy could be more expansive than just student personally

[00:22:07] identifiable information but something broader like student information or student data or student records so I want I wanted to get some feedback on the title and then I have two other small

questions sure so we do have a separate student records policy that is separate from this that explains how we do student the student records process for maintaining cumulative folders and those type of things that was the one we were reviewed earlier today so but I think that there's opportunity for clarification so I'll take that back to Division Council and ask for their opinion on that I'm not sure off the top

[00:22:44] of my head if this comes directly from a state code or model policy that we're trying to comply with but I'll ask that question okay because some some of the subsections do deal with disclosure of educational records that aren't PII so just from a for more clarity the other thing is I think it would be helpful to call out in the first paragraph that FERPA is a federal regulation that we need to comply with for people who aren't familiar with FERPA clarifying at the outset this is a federal level requirement would be helpful and then

[00:23:20] the final question about access to records for students who are 18 years and older does parent view cut off if your student turns 18 and then a student has to opt in like i'm my experiences in at the university level where students it's a whole different ballgame because most of them are 18 and older so they have to grant the parents records but does parent view cut off My, Rachel, who is our Director of Enterprise Solutions, clarified that no, they do not.

[00:23:55] So as long as you're an LCPS student, it'll show in ParentVUE, and parents will get those activation requests. Okay, that's it. Those are my only questions. Thank you. So my questions, I guess broader, I think in Section D, I think it talks about the custodians must maintain a record of each request for access to, I think that's the section.

[00:24:22] So what if you typically keep the records of the requests is it you have a separate system that you keep it typically if all the records being Requests being made to the student records or isn't we keep it in a spreadsheet? No I'm just kidding. We keep it in a system of records so that we can track them and maintain them So you depended like the request types that come through you get a lot of subpoena Those type of things that they come through and they're officially tracked in the student information system So at any given point, we can pull up who all requested access to X, Y, Z at any given point.

[00:24:58] And I'm guessing it's not, just because you said Excel, it's not access either. Correct. Yes. It's in a fully functioning, database-driven, relational database system that, yes, we can pull reports on those. Just keep in mind that it would have to be the things that are identified in the policy.

[00:25:16] So as long as they're included in the policy, then we'd be able to pull that. No, I'm not asking for a report on that, so I'll take it easy. But I guess I'm trying to understand there's a line. There's no line here. It's section, forgive me, I'll make sure it's in the right place.

[00:25:36] It's C3, page number 9, and there's a line that says specifically where practicable, the custodian record will be sent, I guess, right, written notification to the parent of the student or the eligible student.

[00:26:00] But then I think I was reading, coming back to where C2. Yeah, so in C2, page number 6, where we talked about to the extent permitted by law, records may be released without prior written consent of the parent or the eligible student upon request to the school.

[00:26:26] So we can release the information without their consent based on if it's law enforcement, et cetera. I don't know what that would be. But then send a written notification to the parents.

[00:26:42] i'm trying to reconcile whether are we still going to notify them even if if we send them send the release that release a certain information to law enforcement or wherever that case might be so we have two sides of that where we if we are requested for a subpoena to issue something to the courts which is something we get quite regularly we have to release that but then within in the state language actually is we're practicable and the custodian of will send a written notification to the parent of the student records release we had some question about that from SEAC and MSAC where they wanted to establish specific

[00:27:20] timelines case by case depending on why the records release we may not be able to share that information or may be under a different timelines so the state code is specifically written this way and so we just Division Council's recommendation was to add that to mirror what was in state code so we have the release of the record and then we have a written notification of the release of record to the parent so i i do i mean again uh i mean hopefully in the next as we next month i'll try to understand that but i'm i'm sure you know what will be the reasons be that we've released that information but will notify the parents that we release information so again what's you know

[00:27:56] what agency what law enforcement group that would warrant such a case where the parent would not be notified that the information was released to that so that we there could be instances where they hinder law enforcement investigations um they could be things that are directly requested from the sheriff's office which we do get requests for so those would be the type of instances but there are requests for student records where two parents are going through something legally as well so those would be instances where we would release them because we have to by the courts from the subpoena and then we would follow up with written notification I mean I'm I don't know what my board members my committee members think but I think my hope would

[00:28:35] be that every time we share the information without the consent of parents the parents do get notified once we have shared them that's the we hope to clarify the language as we work through the committee that would be my hope so yes I think it would just be helpful to understand what is a scenario in which you can't tell the parent that we had to release the information of the student like in what legal circumstances or what scenarios happen just to understand and like understanding that there may very well be real

[00:29:11] legal reasons why that's the case where we can't disclose that disclosure but it would be helpful to understand that not to put in policy but just really understanding why the language says when practicable. I think that's something I can take back to division counsel and get specifics about in my I can speculate about what that would look like but I don't want to necessarily be just down a rabbit hole that gets us incorrect information so that I think when we come back for the action I'm reading I can bring that information back with me so thank you miss Sheridan has a question so mr. Jones yes I would add that there are we can come back with other specific instances

[00:29:51] but there may be a time that the child protective services may be doing an investigation of an allegation of neglect of some type or abuse directed toward the parent or guardian and as a custodian who by code can conduct that investigation if they alert the school administrator who's the custodian of the record that they need access to that in those a sense of emergency

[00:30:22] based on serious injury or something that could occur to the child then that is one instance that I am aware of, that we would share the records with law enforcement or with Child Protective Services

without a notification to the parent or guardian who would be the center of law enforcement or Child Protective Services investigation.

[00:30:52] So I appreciate your feedback, and I think in the past I've asked Mr. Falcone to send somebody from his department to be in this committee to be able to answer the questions. So I'm going to hopefully remind him that somebody should be here just to answer the question from a legal perspective, too. And Ms. Sheridan, you had a question or comment?

[00:31:09] I was just going to make the same suggestion that Dr. Jones just shared as a scenario where we would release records and not inform the parent. That was all. Yeah, thank you. I appreciate that. But I guess do make a request of Mr. Falconi and Mr. West. Somebody from them join us next time to help answer the question from a legal perspective.

[00:31:29] Okay. So I guess we'll review this policy. Thank you, Mrs. Smith, for bringing this forward. And it looks like it's gone through all the committees already, so it's just waiting for this committee to review, provide the feedback, and then send it to the full board.

[00:31:45] Is that the next steps? That's correct. We will take the feedback that we received here and ensure that Division Council or representative is here for the April meeting, and we will present this as an action item. and it's been through all the review processes at that point to then, if action is taken to be forwarded to the board.

[00:32:04] And I think it would be nice to get any feedback, the documents that you receive from MSAC or SEAC also probably uploaded into the board docs as well because I didn't see them associated with this particular policy. So whenever, next time. We'll make sure that you get access to those.

[00:32:21] All right, moving on to next item on our agenda. New business, any new business tonight? Okay, with no new business, we can adjourn this meeting. Thank you, everybody.



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