Students

Student Records

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law. (cf. 3580 - District Records) (cf. 4040 - Employee Use of Technology) (cf. 5125.1 - Release of Directory Information) (cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information. (cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

The District shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7) (cf. 5145.13 - Response to Immigration Enforcement)

The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of

Students

Student Records (continued)

compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

Student Records from Social Media

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the District first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6) (cf. 0450 - Comprehensive Safety Plan) (cf. 5131.2 - Bullying)
(cf. 5145.6 - Parental Notifications) (cf. 9322 - Agenda/Meeting Materials) (cf. 9323 - Meeting Conduct)

Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws. (cf. 3312 - Contracts)

Legal Reference:
    EDUCATION CODE

234.7	Student protections relating to immigration and citizenship status
17604	Contracts
48201	Student records for transfer students who have been suspended/expelled
48853.5	Foster youth; placement, immunizations
48902	Notification of law enforcement of specified violations
48904-48904.3	Withholding grades, diplomas, or transcripts
48918	Rules governing expulsion procedures
48980	Parental notifications

Students

Student Records (continued)

48985	Notices in parent/guardian's primary language
49060-49079	Student records
49091.14	Parental review of curriculum
51747	Independent study
56041.5	Rights of students with disabilities
56050	Surrogate parents
56055	Foster parents
69432.9	Cal Grant program; notification of grade point average

BUSINESS AND PROFESSIONS CODE

22580-22582	Digital privacy
22584-22585	Student Online Personal Information Protection Act
22586-22587	Early Learning Personal Information Protection Act

CODE OF CIVIL PROCEDURE

1985.3	Subpoena duces tecum

FAMILY CODE

3025	Access to records by noncustodial parents
6552	Caregiver's authorization affidavit

GOVERNMENT CODE

6252-6260	Inspection of public records

HEALTH AND SAFETY CODE

120440	Immunizations; disclosure of information

PENAL CODE

245	Assault with deadly weapon

WELFARE AND INSTITUTIONS CODE

681	Truancy petitions
701	Juvenile court law
16010	Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438	Individual student records
16020-16027	Destruction of records of school districts

UNITED STATES CODE, TITLE 20

1232g	Family Educational Rights and Privacy Act
1232h	Protection of Pupil Rights Amendment

UNITED STATES CODE, TITLE 26

152	Definition of dependent child

UNITED STATES CODE, TITLE 42

11434a	McKinney-Vento Homeless Assistance Act; definitions

CODE OF FEDERAL REGULATIONS, TITLE 16

Students

Student Records (continued)

| Part 312 | Children's Online Privacy Protection Rule |

CODE OF FEDERAL REGULATIONS, TITLE 34

| 99.1-99.67 | Family Educational Rights and Privacy |
| 300.501 | Opportunity to examine records for parents of student with disability |