



STUDENTS

BOARD POLICY - STUDENT RECORDS

BP 5125

The County Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. The County Superintendent of Schools 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.

The County Superintendent shall designate an appropriate certificated administrative employee in each instructional program operated by the County Education Office as custodians of pupil records. These administrative designees shall be responsible for the development and implementation of regulations and procedures to assure compliance with this policy, and with state and federal mandates regarding pupil records.

All appropriate personnel shall receive training regarding County Education Office policies and procedures for gathering and handling sensitive student information.

The County Education Office 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 County 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 County Office employee receives such a request, they shall immediately report the request to the County Superintendent or designee.

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

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

The County 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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

16 CFR Part 312
20 USC 1232g

20 USC 1232h
26 USC 152
34 CFR 300.501

34 CFR 99.1-99.67
42 USC 11434a

Description

Children's Online Privacy Protection Rule
Family Educational Rights and Privacy Act (FERPA) of 1974
Protection of Pupil Rights Amendment
Definition of dependent child
Opportunity to examine records for parents of student with disability
Family Educational Rights and Privacy Act
McKinney-Vento Homeless Assistance Act; definitions

Management Resources

CA Office of the Attorney General
Publication

CSBA Publication

Federal Register

National School Boards Association
Publication

U.S. Department of Education Publication

U.S. Department of Education Publication

U.S. Department of Education Publication

Website

Website

Website

Website

Description

Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014
Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
IDEA and FERPA Confidentiality Provisions, 2014
Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
[U.S. Department of Education, Family Policy Compliance Office](#)
[National School Boards Association](#)
[CSBA](#)
[California Department of Education](#)

State

5 CCR 16020-16027
5 CCR 430-438
Bus. Code 22580-22582
Bus. Code 22584-22585
Bus. Code 22586-22587
CCP. 1985.3

Description

Destruction of records of school districts
Individual student records
[Privacy Rights for California Minors in the Digital World](#)
[Student Online Personal Information Protection Act](#)
[Early Learning Personal Information Protection Act](#)
[Subpoena duces tecum](#)

Ed. Code 17604	Delegation of powers to agents
Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 48201	Student records for transfer students who have been suspended/expelled
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 51747	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 6252-6260	Inspection of public records
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

ADOPTED BY COUNTY BOARD:
REVISED:

November 2, 1978
January 6, 1994
October 7, 2021