

**CAMBRIAN SCHOOL DISTRICT  
Board Policy**

**Administrative Procedure 5125**

Adopted: June 11, 2002

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**STUDENTS**

**Pupil Records**

I. Definition

A. Pupil Record

Any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district. It may be in the form of handwritten notes, print, tapes film, or any other means.

**IT DOES NOT INCLUDE:** Informal notes remaining in the sole possession of the maker and which are not accessible or revealed to any other person except a substitute. (Substitute means a person who takes the place of the person who made the notes on a temporary basis) and does not refer to a person who permanently succeeds the maker of the notes in his/her position.

B. Directory Information

Directory information includes; name, address and telephone numbers; date and place of birth; dates of attendance; honors and awards; and last school attended. Unless a parent has indicated they do not want directory information regarding their child released, directory information may be released as follows:

1. Directory information may be released to Home and School Club organizations for school related activities.
2. Directory information may be released to other youth related groups such as Boy Scouts, Girl Scouts, Little League, Bobby Sox, etc. if in the opinion of the Superintendent the release of the information would be in the student's best interest.
3. Directory information may not be released to private or profit making entities without prior permission from the Board of Trustees.

C. Who Can Have Access to or Challenge the Record

The natural parent, an adoptive parent, or legal guardian can have access to or challenge the record. If parents are divorced or legally separated, only the parent having legal custody of

the pupil may challenge the content of a record, offer a written response to a record, or consent to release records to others.

D. Access

Access means a personal inspection and review of a record, or an accurate copy of a record, or receipt of an accurate copy of a record, and oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

E. Log of Access

All persons, agencies or organizations requesting or receiving access to the records of a student shall be required to sign a written form which shall be kept permanently with the file of the student. Such a form, or a log of such access, shall only be for inspection by the student or parent or guardian of the student and by school officials responsible for records maintenance and other school officials with legitimate educational interests and to other state and federal officials for audit purposes as specified in EC 10935. The form shall specifically indicate the legitimate interest that the signee has in seeking the information. Not included in the log requirements are: 1) parents or pupils to whom access is granted, 2) parties to whom directory information is released, 3) parties for whom written parent consent has been executed and filed, and 4) school officials or employees of the District having a legitimate educational interest.

II. Pupil Record Classification

A. Pupil records are classified into three categories:

1. Mandatory Permanent Pupil Records are those records which are maintained in perpetuity. The twelve items listed in the attached chart are contained on the District Registration/Mandatory Permanent Record Card and Immunization Record. These must be forwarded (upon request) to California Public and Private Schools and out-of-state public schools.
2. Mandatory Interim Pupil Records are those records which the schools are directed to compile and maintain for stipulated periods of time and then destroyed. The nine items listed on the attached chart are kept in the cumulative folder with the exception of the health card which is kept in the nurse's office until the pupil transfers. Upon request, these records and a copy of the Mandatory Permanent Pupil Record must be forwarded to California Public Schools and (optional) may be forwarded to private schools and out-of-state public schools. These records can be destroyed three (3) years after a student transfers/leaves
3. Permitted Pupil Records are those records having clear importance only to the current educational process of the student. It is optional as to whether these are forwarded with the cumulated folder and they may be destroyed when their usefulness ceases.

- B. Any written report provided for the school's information, such as from a physician, becomes part of the CUM file and is available to the parent, even though it may be marked "Confidential". In other words, no records are confidential and all records are open for inspection for the parent to receive a copy, and for the parent to challenge the contents. The only exceptions are the private notes of an individual which may be used only by that person and not shown to others.

### III. Procedures for Transfers and Maintenance of Pupil Records

#### A. Maintenance

1. The Registration/Mandatory Permanent Pupil Record Card will be updated with information provided by the parent during the first week of the school year and changes recorded annual by the school secretary.
2. When a student transfers during the school year, the school completes the appropriate items on the back of the card and checks to make sure that verification of and exemptions of immunizations, taken from the State Immunization Form PM 286, have been entered.

The secretary makes a duplicate of the Mandatory Permanent Pupil Record and includes this copy. The Immunization Form PM 286, and the health record in the cumulative folder are to be sent to the new school.

Please note that the secretary does not fill in the date completed required course of study in the regular or special education column until the end of the school year.

#### B. Transfer - Release Student Records

1. When a student moves from one school to another the sending school must forward records upon request to any California school of new or intended enrollment. Records may not be withheld for nonpayment of fees or fines. It is not necessary to obtain parent permission in order for such transfer.

Mandatory Permanent Records must be forwarded to requesting schools; the original must be retained by the sending district.

Mandatory Interim Records must be forwarded to all California Public Schools and may be forwarded to any other schools.

Classification	Mandatory Interim Pupil Record	Mandatory Interim Pupil Record	Permitted Pupil Records
	Minimum A. Legal Name B. Date of birth C. Verification of birth date D. Sex E. Place of birth F. Name and address of parent 1. Pupil's residence, if different 2. Annual verification G. Dates of enrollment H. Subjects taken I. Grades and credits toward Graduation J. Immunizations/Exemptions K. Date of high school graduation or equivalent L. Other information as stipulated by the Board	A. Access log-identifying persons requesting or receiving info. from record B. Health records C. Special Education Programs 1. Tests 2. Forms 3. Case Studies 4. Authorizations & Actions D. Language training records E. Progress reports/notices F. Directory information prohibitions. G. Rejoinders to records, (challenges) H. Other parent authorizations of Prohibitions I. Standardized tests less than three years old	For Educational Purposes A. Objective staff ratings B. Standardized test results more than three years' old C. Routine disciplinary data D. Behavior observations, (verified) E. Disciplinary notices F. Attendance records not otherwise required
	<b>Mandatory</b>	<b>Mandatory</b>	<b>Optional</b>
Transfer of Records	<ul style="list-style-type: none"> <li>To California Public Schools</li> <li>To private schools</li> <li>To out-of-state public schools,</li> <li>(Keep original or copy)</li> </ul>	<ul style="list-style-type: none"> <li>To California Public Schools</li> <li>Optional</li> <li>To private schools</li> <li>To out-of-state public schools</li> </ul>	<ul style="list-style-type: none"> <li>To California Public Schools</li> <li>To private schools</li> <li>To out-of-state public schools</li> </ul>
Destruction	Permanent – May not destroy	Continuing record until student transfers. Held for three years after student leaves, then destroyed.	Continuing record until usefulness ceases. May be destroyed six months after pupil's completion, or withdrawal from the educational program.
	Annually updated Registration/ Mandatory Permanent Record Card, and record of Immunization/ Exemptions – Form PM 286	Maintained in pupil cumulative folder at school and Special Ed. files in District Office.	Maintained in pupil cumulative folder.

Permitted Pupil Records may be forwarded at the direction of the District Custodian of Records.

Private schools in California are required to forward Mandatory Permanent Records.

2. Mandatory release of pupil records WITHOUT parental consent. Pupil records relevant to the legitimate interests of the requestor shall be permitted to the following:
  - a. School officials and employees of the District and members of a school attendance review board appointed pursuant to Section 48321, provided that any such person has a legitimate educational interest to inspect a record.

- b. Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading in high school graduation are provided, where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 49068.
  - c. Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, an administrative head of an education agency, state education officials, or their respective designees, or the United States Office for Civil Rights, where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
  - d. Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.
3. Permitted release of pupil records *without* parent consent may be given to the following:
- a. Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
  - b. Agencies or organizations in connection with a student's application for, or receipt of, financial aid; provided, that information permitting the personal identification of students or their parents may be disclosed only as may be necessary for such purposes as to determine the eligibility of the pupil for financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.
  - c. Accrediting organizations in order to carry out their accrediting functions.
  - d. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representative of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

- e. Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Education Code 49068. Such information shall be in addition to the pupil's permanent record transferred to Section 49068.

The Principal may grant or deny the request. If the request is denied, the parent or guardian may appeal the decision by submitting form PR-2 to the Superintendent. This form shall be supplied by the Principal.

The challenged material in the records shall be retained in the possession of the Superintendent while under appeal.

C. Right to a Hearing

Within 30 days of the receipt of such request, the Superintendent or his designee shall hold a hearing with the parent or designee shall hold a hearing with the parent or guardian and the certificated employee who recorded the information in question, if any, and if such person is presently employed by the District. As a result of the hearing the Superintendent, or designee, shall sustain or deny the allegations. Reasonably in advance of hearing, the parent or eligible student shall be given notice of the date, place and time of the hearing. At his/her own expense, the parent or eligible student may be represented by counsel or other individuals. It is noted that the right to a hearing "does not preclude attempts to settle disputes by informal means."

- D. If the Superintendent, or his designee, sustains the allegations, he/she shall order the amendment or removal and destruction of the information.

E. Right to Appeal to the Board

If the Superintendent, or his designee, denies the allegations and refuses to order the amendment or the removal and destruction of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board.

- F. Within 30 days of receipt of such an appeal, the Board shall, in closed session with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the District, determine whether or not to sustain or deny the allegations. The parent or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.
- G. If the Board sustains the allegations, it shall order the Superintendent to immediately amend or remove and destroy the information from the written records of the pupil.
- H. The decision of the Board shall be final.
- I. Records of these administrative proceedings shall be maintained in a confidential manner

and shall be destroyed one year after the decision of the Board of Education, unless the parent or guardian initiated legal proceedings relative to the disputed information within the prescribed period.

- J. If the final decision of the Board of Education is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the District Superintendent or his designee, the parent or guardian shall then have the right to submit a written statement of his objections to the information. This statement shall become a part of the pupil's school record until such time as the information objected to is removed and such statement shall be disclosed along with the educational record or contested portion at any time such record is disclosed to any party.
- K. Either the Superintendent or the Board may elect to convene a hearing panel as provided in Section 49071 of the Education Code to assist in making determinations relative to challenges of education records by the parent of a pupil or former pupil.
- L. Right to Include Counter Disciplinary Statement

Whenever there is included in the written records or permanent cumulative record of a pupil information concerning any disciplinary action that was employed by District personnel in connection with the pupil, including but not limited to the suspension or expulsion of the pupil, the Board of Education shall allow the pupil's parent or guardian to include in such written statement or response concerning the disciplinary action.

- M. Student Records Review and Challenge Procedures – Annual Notice to Parents and Guardians

The following will appear on the District's Annual Parents' Rights Notice that is sent home at the beginning of each school year.

#### NOTIFICATION OF PARENTS' RIGHTS – PUPIL RECORDS

California Education Code 10934 and Public Law 93-380 requires that parents or legal guardians of minor students be notified of their right to inspect and review official school records of their child. These records can be reviewed with the Principal of your school during the regular school day.

If you have any concern regarding the accuracy or appropriateness of any information or record maintained by the school, please do not hesitate to inform the Principal of that concern.

In cases where a parent and Principal disagree as to the accuracy of any information or record, the parent may file a written request with the Superintendent of the District to remove the information in question.

The law restricts the access to information contained in pupil records. School personnel

with legitimate educational interest, school of intended enrollment, specified federal and state educational officials, and members of the Cambrian/Union Attendance School Review Board are among those specified by code who may have access to school records without written parental consent.

