Student Records

Adopted: 05/11/1967 **| Last Revised**: 06/04/2024 **| Last Reviewed**: 06/04/2024

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.

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 designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records.

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

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.

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, they 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.

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 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.

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.

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.

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 Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
CALIFORNIA CODE OF REGULATIONS
5 CCR 16020-16027 Destruction of records of school districts
5 CCR 430-438 Individual student records
BUSINESS AND PROFESSIONAL CODE
22580-22582 Privacy rights for California minors in the digital world
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
EDUCATION CODE
17604 Delegation of powers to agents
234.7 Student protections relating to immigration and citizenship status
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
49060-49079 Student records
49091.14 Parental review of curriculum
48980 Parent/Guardian notifications
48985 Notices to parents in language other than English
51745 Independent study
51747 Independent study programs
56041.5 Rights of students with disabilities
56050 Surrogate parents
56055 Foster parents
69432.9 Cal Grant program; notification of grade point average
FAMILY CODE
3025 Access to records by noncustodial parents
6552 Caregiver's authorization affidavit
GOVERNMENT CODE
7920.000-7930.215 California Public Records Act
HEALTH AND SAFETY CODE
120440 Immunizations; disclosure of information
PENAL CODE
245 Assault with deadly weapon
WELFARE AND INSTITUTIONS CODE
16010 Health and education records of a minor
681 Truancy petitions
701 Juvenile court law

FEDERAL
CODE OF REGULATIONS
16 CFR Part 312 Children's Online Privacy Protection Rule
34 CFR 300.501 Opportunity to examine records for parents of student with disability

34 CFR 99.1-99.67 Family Educational Rights and Privacy
42 USC 11434a McKinney-Vento Homeless Assistance Act; definitions
UNITED STATES CODE
20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h Privacy rights
26 USC 152 Definition of dependent child
W & I CODE
16010 Health and education records of a minor
681 Truancy petitions
701 Juvenile court law

MANAGEMENT RESOURCES

CA OFFICE OF THE ATTORNEY GENERAL PUBLICATION
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
CSBA PUBLICATION
Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
FEDERAL REGISTER
Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATION
Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
IDEA and FERPA Confidentiality Provisions, 2014
WEBSITE
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Family Policy Compliance Office
http://www.ed.gov/policy/gen/guid/fpco/index.html
CSBA District and County Office of Education Legal Services:
https://legalservices.csba.org/#https://legalservices.csba.org/
National School Boards Association: https://www.nsba.org/#http://www.nsba.org
CSBA: https://www.csba.org/#http://www.csba.org&gsc.tab=0

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Revised:	09/05/2006 (technical)
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Revised:	01/12/2016
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