

RANCHO SANTA FE SCHOOL DISTRICT

**Board Policy No. 5010: PUPIL RECORDS AND INFORMATION –
CONFIDENTIALITY**

- A. In collecting, maintaining and disseminating pupil record information, the school administration shall establish safeguards to protect the pupil and the pupil's family from an invasion of privacy. The Superintendent, or designee, and the Principal shall make recorded information accessible only to those legally entitled to review it.
- B. Where the requirements of the Federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) conflict with similar rights under the California Education Code, the District shall comply with the more restrictive requirements.
- C. Definitions

For purposes of this Policy:

- "Parent" means a natural parent, an adopted parent, or legal guardian. 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. Either parent may grant consent if both parents notify the District, in writing, that such an agreement has been made. Once a pupil reaches the age of eighteen (18) or is attending a post-secondary school, he/she alone shall exercise all of the rights under this Policy including the right to grant consent for the release of records. Access to pupil records and information shall not be denied to a parent because he/she is not the pupil's custodial parent.
- "Pupil record" means any item of information, other than directory information, which is directly related to an identifiable pupil and maintained by the District or required to be maintained by a school employee. Such information may be recorded in handwriting, print, tapes, film, microfilm or by other means. The pupil record shall include the pupil's health record. "Pupil record" shall not include informal notes about a pupil which a school employee keeps for private use or for use by a substitute employee.
- "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, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

D. Access to Pupil Records

- 1. Although pupil records are confidential, access to the records may be granted in compliance with state and federal laws. Certificated personnel will be provided to

interpret records where appropriate. All persons requesting access to pupil records shall be required to provide identification demonstrating the right to access.

2. Parents of currently enrolled or former pupils as defined in paragraph C herein have an absolute right of access to any and all pupil records related to their children which are maintained by the District.
3. Information concerning a pupil shall be furnished in compliance with a court order or a lawfully issued subpoena. The District shall make a reasonable effort to notify the parent or legal guardian and the pupil in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully and reasonably possible within the requirements of the order.
4. Information specific to a particular pupil's identify and location that relates to the transfer of that pupil's records to another school district within this state or any other state, or to a private school in this state shall be provided by the District to law enforcement upon request when a proper police purpose exists under Section 49076.5 of the Education Code.
5. Third parties identified in Education Code section 49076 are entitled to access and to copies of pupil records without written parental consent.
6. For each pupil's record, the Superintendent, Superintendent's designee or Principal shall require that a log be kept identifying all persons or agencies who request or receive information from the record, together with the time and reason why access was granted or denied and a notation if copies are made. The log may be inspected by a parent, the school custodian of records, and certain state/federal officials as specified in Education Code section 49064.

The log need not include:

- Parents or adult pupils (age 18 or older).
- Pupils sixteen (16) years of age or older who have completed the tenth grade.
- Parties obtaining only directory information, in accordance with District policy.
- Parties who provide written parental consent. In such case, the consent notice shall be filed with the record. Written consent shall not apply to school lunch applications and related information which shall be retained by the District in the manner most useful to the administration of the school lunch program.
- School officials or employees who have legitimate educational interests.

7. The log shall be open to inspection only by a designated custodian of records, parent, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined by federal law and state educational authorities as a means of auditing the operation of the system.
- G. Requests by parents for access to pupil records shall be granted no later than five working days after the request.
- H. All pupil records forwarded from the District that require prior written consent for release shall include a statement indicating that the information is released solely to the individual or agency specified on the consent form and no other individual agency may be provided access or copies of the record(s) without the written consent of the parent.
- I. Notification

The District shall notify parents or guardians in writing upon the date of initial enrollment and annually thereafter in the pupil's home language insofar as practicable of the following:

1. That they may inspect and review pupil records during regular school hours no later than five (5) days following the date of the request;
2. The availability of qualified certificated personnel to interpret records where required;
3. That such access may be requested of the Principal;
4. That parents and guardians are entitled to copies of all pupil records;
5. What types of records are kept and where they are located;
6. What fees if any are charged for copies and under what circumstances the District may determine that it may legitimately deny requests for such copies;
7. Related information which must be available for inspection;
8. That Pupil records shall not be released without the prior written consent of a parent or guardian with certain exceptions required by law and contained in Education Code sections 49076, 49076.5 and 49077; and
9. The types of directory information that the District will release without objection pursuant to Board Policy 1002 (Release of Pupil Directory Information).

J. Challenging the Content of Pupil Records

1. Following inspection and review, a parent, guardian or eligible student may challenge the content of any pupil record. The right to challenge becomes the sole right of the pupil when the pupil becomes eighteen (18) or is attending a post-secondary institution.
2. The parent may file with the Superintendent a written request to correct or remove any information recorded in the written records concerning his/her child which the parent alleges to be any of the following:
 - Inaccurate.
 - An unsubstantiated personal conclusion or inference.
 - A conclusion or inference outside of the observer's area of competence.
 - Not based on the personal observation of a named person with the time and place of observation noted.
 - Misleading.
 - In violation of the privacy or other rights of the pupil.
3. Within thirty (30) days of receipt of the request, the Superintendent or designee shall meet with the parent, guardian or eligible student and with the certificated employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegation(s). If the allegations are sustained, the Superintendent shall order the correction, or the removal and destruction of the information.
4. If the Superintendent denies any or all of the allegations and refuses to order the correction or removal of the information, the parent, guardian or adult student may within thirty (30) days appeal the decision to the Board. The appeal shall be in writing. Within thirty (30) days of the receipt of the appeal, the Board shall meet in closed session with the parent and the certificated employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains them, the Superintendent shall immediately correct or remove and destroy the information from the pupil's records. If the information in dispute appears on microfilm, it shall be expunged. If appropriate, reference to that record shall be removed from the locator card and the record physically scraped from the microfilm surface.
5. If the final decision of the Board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Superintendent, the parent shall have the right to submit a written statement of objections. This statement shall become a

part of the pupil's record until such time as the information in question is corrected or removed.

6. Before any pupil grade is changed either by the Superintendent or at the decision of the Board, the teacher who gave that grade shall be given the opportunity to state orally, in writing, or both, why the grade was given. Insofar as practicable, the teacher shall be included in all discussions related to a grade change.
 7. Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code section 49071 to assist in the decision making. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent consents to releasing relevant pupil records to panel members.
 8. The decision of the Board shall be final. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board, unless the parents initiate legal proceedings.
- K. Whenever there is included in any pupil record information concerning any disciplinary action taken by District personnel in connection with the pupil, the parent may include in such pupil record a written statement or response concerning the disciplinary action.
- L. The Superintendent or designee is authorized to transfer the accurate, updated academic record of any transferring pupil in a timely manner in accordance with Education Code section 49068. Timely manner means “no later than ten (10) school days following the date the request is received from the public school or the private school where the pupil intends to enroll.”
- M. Gathering and Maintaining Pupil and Family Information
1. The purpose of this Section “M” is to comply with the requirements set forth in Education Code section 234.7.
 2. The District shall avoid disclosure of information that might indicate a pupil’s or family’s citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA).
 3. The District shall not specifically inquire about a pupil or his/her parent/guardian’s citizenship or immigration status, nor request complete social security numbers. The District shall not create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin, except as required by state or federal law or as required to administer a state or federally supported educational program.
 4. If the District acquires information related to a pupil’s immigration status, citizenship status, or national origin, or if the parent/guardian chooses not to provide information,

neither the information nor the parent/guardian's actions shall be used to deny the pupil from enrolling in or attending school.

5. If citizenship or immigration status information is needed to satisfy eligibility for a special program or a federal benefit program, the District shall solicit that information separately from the enrollment process and, if necessary, may only request the last four digits of an adult household member's social security number. If the District collects the last four digits of an adult household member's social security number, the District will explain the limited purpose for which this information is collected. Failure to provide this information will not bar the pupil from enrolling in or attending school.
6. Directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin.

N. District Procedures to Respond to Immigration Authorities Access to District Property, a Pupil, or Pupil Information

1. The purpose of this Section "N" is to comply with the requirements set forth in Education Code section 234.7.
2. District personnel shall take the following steps upon receiving a request by an immigration enforcement officer for either information related to a pupil's or family's immigration or citizenship status, or access to a pupil:
 - a. Immediately notify the Superintendent or designee about the request. The Superintendent or designee shall ask for the officer's credentials, ask why the agents are requesting access, and ask to see a warrant or a court order signed by a judge;
 - b. Provide the impacted pupils and families with reasonable notice and a description of the immigration officer's request;
 - c. Document any verbal or written request for information by immigration authorities; and
 - d. Unless prohibited, provide the pupil and his/her family with any documents issued by the immigration-enforcement officer.
3. Absent a judicial warrant or other court order, federal immigration enforcement agents will not be permitted access to District property, pupils, or pupil records.
4. District personnel shall require consent from the pupil's parent/guardian before a pupil can be interviewed or searched by an officer seeking to enforce civil immigration laws, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order or judicial subpoena.

5. Absent exigent circumstances or a judicial warrant, District personnel are not required to give an immigration-enforcement officer permission or consent to enter a nonpublic area of the District, to voluntarily disclose directory information, or conduct a search of any kind.
6. Except for investigations of child abuse, child neglect, or child dependency, or when a subpoena served on the District prohibits disclosure, or when disclosure is prohibited by state or federal law, the District shall provide the parent/guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
7. The Superintendent shall report to the Governing Board in a timely manner any requests for information or access to the school by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information.

O. Name and Gender Changes to Records of Former Pupils

1. If the District receives government-issued documentation demonstrating that a former pupil's legal name or gender has been changed, the District shall update the former pupil's records to include the updated legal name or gender. Acceptable government issued documentation includes, but is not limited to, the following:
 - A state-issued driver's license;
 - Birth certificate;
 - Passport;
 - Social security card; or
 - Court order indicating a name change or a gender change, or both.
2. If the District receives any of the above documents, the District shall reissue any documents conferred upon the former pupil with the former pupil's updated legal name or gender. Documents that may be reissued include, but are not limited to, transcripts or other similar documents conferred upon the former pupil.
3. This Policy does not require the District to modify records that the former pupil has not requested for modification or reissuance.
4. If a former pupil requests that the former pupil's name or gender be changed and the requested records are reissued, the District shall add a new document in the former pupil's file that includes all of the following:
 - The date of the request.
 - The date the requested records were reissued to the former pupil.
 - A list of the records that were requested by, and reissued to, the former pupil.

- The type of documentation provided by the former pupil in order to demonstrate the legal name or gender change.
5. The name of the employee that completed the request.
 6. The current and former name or gender of the former pupil.
 7. The District shall indefinitely retain this document as a confidential record.
 8. Former pupils who are unable to provide government-issued documentation demonstrating legal name or gender change may request a name or gender change, or both, to the former pupil's records through the challenge to pupil records process described in Paragraph J of this Policy.

Legal Reference:

Education Code sections

234.7 Pupil Protections Relating to Immigration and Citizenship Status

49061 Definition

49064 Log of Persons and Organizations Requesting or Receiving Information

49066 Grades, finalization, Change of Grade, Effect of Physical Education

Class Apparel

49068 Transfer of Pupil's Academic Record

49069 Absolute Right to Access

49070 Challenging the Content of Records

49071 Hearing Panel To Assist In Making Determination

49072 Right to Include Statement or Response to Disciplinary Actions

49075 Access to Records by any Person With Written Parental Consent

49076 Access to Records by Persons Without Written Parental Consent or Under Judicial Order

49076.5 Peace Officer Record Access; Pupil Kidnapping; Offense; Criminal or Civil Liability

49077 Disclosure of student information; compliance with Court Order or Lawfully Issued Subpoena; Notification of Pupil and Guardian

California Code of Regulations, Title 5 sections 430-438;

Board Policy 1002 (Release of Pupil Directory Information)

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