

Administrative Regulation

Student Records, Maintenance and Release of Information from and Access to

Student Records

Student records are any items of information gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. The school district maintains records as deemed necessary to provide programs to meet student needs and interests. Records include: identification data, a permanent record of birth information, periods of enrollment, attendance data, scholastic records, cumulative record of test scores, immunization and health records, records required for admission to, and progress in, special education programs, teacher and counselor notations, and discipline records.

Student records do not include:

- Directory Information.
- Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee.
- Records of the law enforcement unit of the district.
- Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- Grades on peer-graded papers before they are collected and recorded by a teacher.

The District does not solicit or collect entire Social Security numbers or cards. If required to establish eligibility for a federal benefit program, the District will solicit and collect the minimum information required (e.g., last four digits of an adult household member's Social Security number). When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the District shall explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending school. The District shall treat all students equitably in the receipt of all school services, including but not limited to, the gathering of student and family information for the free and reduced meal program, transportation, and educational instruction.

Custodian of Records/Maintenance of Records

Student records shall be maintained under strict precautions to ensure that all personally identifiable information is accurate, relevant, timely, complete, and confidential.

Student records shall be open to, and copies shall be made available at a reasonable fee for parental, guardian, and/or eligible pupil inspection, review, and modification, in compliance with federal and/or state laws within five days following the date of request, under appropriate regulations and operating procedures to be developed and implemented by the superintendent or designated representatives. The district shall maintain in writing district's policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

A certificated employee shall be designated 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 Board policy and administrative regulation regarding student records. The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests.

Consistent with the provisions of this regulation, every administrator who deals with pupil records in each work location shall be responsible for compliance with federal and state laws, codes, policies, regulations, and the provisions of the related Procedures Manual on file with all principals.

The district's forms shall include all instances where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy.

Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, district personnel shall solicit that documentation or information separately from the school enrollment process.

Disclosure, Release, and Access

The District shall require written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. No personal information regarding any particular pupil enrolled in the district shall be disseminated to any person or agency except under the judicial process unless the person or agency is one of those stipulated by federal and state laws or is authorized, in writing, by the parent, guardian, and/or the particular 18-year-old pupil.

The written parental or guardian consent for release of student information must include the following information:

1. The signature and date of the parent, guardian, or eligible student providing consent;
2. A description of the records to be disclosed;
3. The parties or class of parties receiving the information; and
4. If requested by the parents, guardians, or eligible student, a copy of the record to be released, the district shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible student is not required to *sign* the consent form, however, the request must be made in writing. If the parent, guardian, or eligible student refuses to provide written consent for the release of student information that this not otherwise subject to release, the district shall not release the information.

The District shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA). District personnel shall take the following action steps upon receiving an information request related to student's or family's immigration or citizenship status:

- Notify a designated district official about the information request
- Provide students and families with appropriate notice and a description of the immigration officer's request
- Document any verbal or written request for information by immigration authorities
- Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, the district shall provide parental or guardian notification of any court orders, warrants, or subpoena before responding to such request.

Absolute Access

The following persons or agencies shall have absolute access to any and all student records in accordance with law: A parent (including the parent who is not the student's custodial parent) or guardian of a minor pupil; however, an 18-year-old pupil, or pupil under the age of 18 years who attends a postsecondary institution alone shall exercise rights related to his/her student records and grant consent for the release of records. Parents have the right to consent to disclosure of personally identifiable information contained in the student's education records except to the extent the law authorizes disclosure without consent.

Limited Access

At the discretion of the superintendent or designee, student records may be released as permitted by state and federal law. (Education Code 49076 and 34 CFR 99.31.)

Disclosure without consent is permitted to school officials with legitimate educational interests, including those individuals or agencies authorized by state or federal statute or court order. A "legitimate educational interest" is an interest held by a school official or employee whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require them to have access to student records. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a contractor or consultant who has a formal written agreement or contract with the district regarding the provision of outsourced institutional services or functions; or a member of a school attendance review board, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing follow-up services to pupils referred to the school attendance review board.

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

- A. Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.
- B. A pupil 16 years of age or older or having completed the 10th grade who requests such access.
- C. School officials and employees of the district, members of a School Attendance Review Board who are authorized representatives of the school district, and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student.
- D. An officer or employee of a public, private, or parochial school/district (including correctional facilities that offer educational programs leading to high school graduation) or postsecondary institution where the pupil attends, has attended, or intends to enroll as long as the disclosure is for purposes related to the student's enrollment or transfer.

When the district discloses personally identifiable information to officials of another school, system, or postsecondary institution where the student seeks or intends to enroll, the superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record.

- E. Authorized representatives of the Comptroller General of the United States, the

Secretary of Education, and state and local educational authorities, or the United States Department of Education's Office for Civil Rights, if the information is necessary to audit or evaluate a state or federally supported education program, or in connection with the enforcement of, or compliance with, the federal legal requirements that relate to such a program. Records released pursuant to this section shall comply with the requirements of Section 99.35 of Title 34 of the Code of Federal Regulations.

- F. Any person, agency or organization authorized in compliance with a court order or lawfully issued subpoena. Unless otherwise instructed by the court, the superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' written notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order.
- G. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition.
- H. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws.
- I. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to specified evidentiary rules. When disclosing records for these purposes, the superintendent or designee shall obtain written certification from the recipient of the record(s) that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law.
- J. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code section 681. In such cases, the judge or probation officer shall certify in writing to the superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.
- K. Any county placing agency when acting as an authorized representative of a state or local educational agency pursuant to subparagraph E.

- L. Any foster family agency with jurisdiction over currently enrolled or former students for purposes of accessing those students' records of grades and transcripts and any individualized education program developed and maintained by the district.
- M. Appropriate law enforcement authorities, in circumstances where Education Code section 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code section 245. When disclosing such records, the superintendent or designee shall obtain written certification by the recipient of the record(s) as described in item I above.
- N. Designated peace officers, federal criminal investigators, and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency in accordance with Education Code section 49067.5, in cases where the district is authorized to assist law enforcement in investigations of suspected kidnapping.

In such cases, the superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. The designated peace officer or law enforcement agency shall show the school district that the officer/agency has obtained prior written consent from one parent, or provide information indicating that there is an emergency in which the information is necessary to protect the health or safety of the pupil or other individuals, or that the officer/agency has obtained a lawfully issued subpoena or a court order.

Access Log

Parents/guardians may review their child's records upon request to the building principal. A log identifying those who request information from records is maintained in the school office, in accordance with law. Copies of records shall be made available at a reasonable cost in accordance with the approved fee schedule. If there are concerns regarding the accuracy or appropriateness of information in records maintained by the school, the parent/guardian may request removal or include a statement disputing the challenged information. Such requests shall be submitted in writing to the superintendent.

Directory Information and Annual Notice

The district must provide an annual notice to parents and guardians of the school's general information policies that includes:

- Assurances that the district will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.
- A description of the types of student records maintained by the district.
- A list of the circumstances or conditions under which the district might release student information to outside people or entities.
- A statement that, unless the district is providing information for a legitimate educational purpose after FERPA and the California Education Code or directory information, the district shall notify parents or guardians and eligible students, and receive their written consent, before it releases a student's personally identifiable information.

If the district decides to release directory information, the district shall provide an annual notice to parents and guardians, and eligible students in advance, of the district's directory information policy that includes:

- The categories of information that the district has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision C.
- A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the district receives consent as required under state law).
- The recipients of the directory information.
- A description of the parent's or guardian's abilities to refuse release of the student's directory information, and how to refuse release.
- The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information.

Selling of student information or any use for marketing purposes is prohibited by the Board.

At the discretion of the superintendent or designee, student records may be released as permitted by state and federal law. (Education Code 49076 and 34 CFR 99.31.)

Student directory information may be released to agencies as permitted by law, including those cooperating organizations normally connected with the activities of a school or school district. Directory information means one or more of the following items: pupil's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the pupil.

Parents who do not want directory information released shall make this fact known in writing to the school principal. Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent.

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information.

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation.

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy.

Any restriction regarding the collection of personal student information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. College or other postsecondary education recruitment or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary and secondary schools.
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.

5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

Complaints

A parent may file a complaint with the U.S. Department of Education if there is an alleged failure by a school district to comply with federal regulations governing student records.

Ref: EC Sections 49060-49078; CCR, Title 5, Sections 438, 450; 20 USC 1232g;
34 CFR 99.7, 99.34

Approved: January 2, 1970
Revised: September 26, 1979
Revised: March 4, 1986
Reviewed: July 1, 2000
Revised: July 1, 2002
Revised: January 1, 2003
Revised: August 17, 2004
Revised: February 1, 2011
Revised: May 15, 2012
Revised: March 5, 2013
Revised: July 19, 2022