

STUDENT RECORDS

Definitions

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 or required to be maintained by an employee in the performance of his/her duties. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche, or by other means. Student records include the student's health record.

Student records do not include:

1. Directory information
2. 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

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive.

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive.

Permitted student records are those records having clear importance only to the current educational process of the student.

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

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means.

Personally identifiable information includes but is not limited to the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security

number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable.

Adult student is a person who is or was enrolled in school and who is at least 18 years of age.

Parent/guardian means a natural parent, an adopted parent, or legal guardian.

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

County placing agency means the county social service department or county probation department.

Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student.

Only a parent/guardian having legal custody of the student or an adult student may challenge the content of a record or offer a written response to a record.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data.

The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student.
2. Date and place of birth and method of verifying birth date.
3. Sex of student.

4. Name and address of parent/guardian of minor student.
 - a. Address of minor student if different from the above.
 - b. Annual verification of parent/guardian's name and address and student's residence.
5. Entrance and departure date of each school year and for any summer session or other extra session.
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given.
7. Verification of or exemption from required immunizations.
8. Date of high school graduation or equivalent.

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include:

1. Expulsion orders and the causes therefore.
2. A log identifying persons or agencies who request or receive information from the student record.
3. Health information, including verification or waiver of the health screening for school entry.
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.
5. Language training records.
6. Progress slips/notices required by Education Code 49066 and 49067.
7. Parental restrictions/stipulations regarding access to directory information.

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action.
9. Parent/guardian authorization or denial of student participation in specific programs.
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted to determine whether it is in a student's best interest to remain in independent study.

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

1. Objective counselor/teacher ratings.
2. Standardized test results older than three years.
3. Routine disciplinary data.
4. Verified reports of relevant behavioral patterns.
5. All disciplinary notices.
6. Supplementary attendance records.

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction.

Persons Granted Access to Student Records Without Prior Written Consent

Persons, agencies, or organizations specifically granted access rights pursuant to law shall have access without prior written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies, or organizations obtaining access, as long as those persons have a legitimate educational interest in the information.

The following persons or agencies shall have absolute access to any and all student records in accordance with law:

1. Parents/guardians of students younger than age 18.

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent, unless court restrictions state otherwise.

2. An adult student age 18 or older or a student under the age of 18 who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records.
3. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena.

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interest of the requester:

1. Parents/guardians of a dependent student age 18 or older.
2. Students age 16 or older or who have completed the 10th grade.
3. School officials and district employees.
4. Members of a school attendance review board and any volunteer aide age 18 or older who has been investigated, selected, and trained by such a board to provide follow-up services to a referred student.
5. Officials and employees of other public schools or school systems where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided.
6. Federal, state, and local officials, as needed for program audits or compliance with law.
7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition.
8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws.
9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

10. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681.
11. Any county placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law pursuant to Welfare and Institutions Code 16010 and to assist with the school transfer or enrollment of a student.

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any individualized education program (IEP) developed and maintained by the district with respect to such students.

When authorized by law to assist law enforcement in investigations of suspected kidnapping, 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 any public school district or California private school. The information shall be released only to 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 the procedures specified in Education Code 49076.5.

The Superintendent or designee may release information from student records to the following:

1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake.
2. Accrediting associations.
3. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll.
5. Agencies or organizations in connection with a student's application for or receipt of financial aid.

However, information permitting the personal identification of a student or his/her parents/guardians for these purposes may be disclosed only as may be

necessary to determine the eligibility of the student for financial aid, to determine the amount of 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.

6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register.

Access to Student Records with Prior Written Consent

Persons, agencies, or organizations not afforded access rights pursuant to law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order.

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made.

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student.

Procedures for Access

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located.

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records.

Authorized persons, organizations, or agencies from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records.

When required by law, the parent/guardian shall provide a signed and dated written consent before the district discloses the student record. The consent shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the

parent/guardian, the district shall provide him/her a copy of the records disclosed.

Within five days following the date of request, an authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours.

Qualified certificated personnel shall be available to interpret records when requested.

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons.

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection.

Prior to disclosing a record pursuant to a court order, the Superintendent or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order.

When the district discloses personally identifiable information to officials of another school, 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 was disclosed, and give him/her an opportunity for a hearing to challenge the record.

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to the student's parent/guardian within 24 hours.

Duplication of Student Records

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record.

The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the school custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

The log does not need to record access by:

1. Parents/guardians or adult students.
2. Students 16 years of age or older or who have completed the 10th grade.
3. Parties obtaining district-approved directory information.
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 490755.
5. School officials or employees who have a legitimate educational interest.

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials.

Transfer of Student Records

If a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records.

When a student transfers into this district from another, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days.

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian.

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon students' initial enrollment, and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled.

The notice shall include:

1. The types of student records kept by the district and the information contained therein.
2. The title(s) of the official(s) responsible for maintaining each type of record.
3. The location of the log identifying those who request information from the records.

4. District criteria for defining "school officials and employees" and for determining "legitimate educational interest".
5. District policies for reviewing and expunging student records.
6. The right to inspect and review student records, and the procedures for doing so.
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
8. The cost, if any, charged for duplicating copies of records.
9. The categories of information defined as directory information pursuant to Education Code 49073.
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law.
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school.
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with 20 USC 1232g.
13. A statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.

Adopted: August 27, 2008

(Replaces: AR 5125 Protection and Privacy of Pupil Records)
(Adopted: May 1978)