

## **Students**

### **Board Policy No. 5125**

**Policy Adopted: September 20, 2018**

**Policy Reviewed: February 8, 2024**

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## **STUDENT RECORDS**

The Governing Board 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 employee shall be designated 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. (5 CCR 431)

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. (Education Code 49076.7)

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, he/she 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. (Education Code 234.7)

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 he/she 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. (Government Code 8310.3)

### **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. (Education Code 49073.6)

### **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.

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#### **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.

#### ***State Code,***

*5 CCR 16020-16027, Destruction of records of school districts*

*5 CCR 430-438, Individual student records*

*Bus. and Prof. Code 22580-22582, Privacy rights for California minors in the digital world*

*Bus. and Prof. Code 22584-22585, Student Online Personal Information Protection Act*

*Bus. and Prof. Code 22586-22587, Early Learning Personal Information Protection Act*

*Code of Civil Procedure 1985.3, Subpoena duces tecum*

#### ***Education Code,***

*Ed. Code 17604, Delegation of powers to agents*

*Ed. Code 234.7, Student protections relating to immigration and citizenship status*

*Ed. Code 48201, Transfer student's record for acts that resulted in suspension or expulsion*

*Ed. Code 48853.5, Foster youth; placement, immunizations*

*Ed. Code 48902, Notification of law enforcement of specified violations*

*Ed. Code 48904-48904.3, Withholding grades, diplomas, or transcripts*

*Ed. Code 48918, Rules governing expulsion procedures*

*Ed. Code 48980, Parent/Guardian notifications*

*Ed. Code 48985, Notices to parents in language other than English*

*Ed. Code 49060-49079, Student records*

*Ed. Code 49091.14, Parental review of curriculum*

*Ed. Code 51745, Independent study*

*Ed. Code 56041.5, Rights of students with disabilities*

*Ed. Code 56050, Surrogate parents*

*Ed. Code 56055, Foster parents*

*Ed. Code 69432.9, Cal Grant program; notification of grade point average*

*Fam. Code 3025, Access to records by noncustodial parents*

*Fam. Code 6552, Caregiver's authorization affidavit*

*Gov. Code 7920.000-7930.215, California Public Records Act*

*H&S Code 120440, Immunizations; disclosure of information*

*Pen. Code 245, Assault with deadly weapon*

*W&I Code 16010, Health and education records of a minor*

*W&I Code 681, Truancy petitions*

*W&I Code 701, Juvenile court law*

#### ***Federal Code,***

*16 CFR Part 312, Children's Online Privacy Protection Rule*

*20 USC 1232g, Family Educational Rights and Privacy Act (FERPA) of 1974*

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20 USC 1232h, *Privacy rights*

26 USC 152, *Definition of dependent child*

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*

**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 Publication, *Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools*, Oct 2007

U.S. Department of Education Publication, *Joint Guidance on the Application of FERPA and HIPAA to Student Health Records*, November 2008

U.S. Department of Education Publication, *IDEA and FERPA Confidentiality Provisions*, 2014 Website, CSBA District and County Office of Education Legal Services

Website, National School Boards Association

Website, U.S. Department of Education, Family Policy Compliance Office

Website, California Department of Education

Website, CSBA

**Cross References,**

0440, *District Technology Plan*

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1100, *Communication With The Public*

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