

5125 BP - Student Records

Student Records

Board Policy No. 5125

Policy adopted September 20, 2018

Policy Revised: February 8, 2024

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, disclosure, 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~~ in accordance 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)~~ (5 CCR 431)

If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the operator of a website, online service or application, or mobile application, and the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records, the Superintendent or designee shall provide documentation to the operator that the student has not been enrolled in the district for at least 60 days. (Business and Professions Code 22584)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information; ~~including which information should not be solicited.~~

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~~ In accordance with Board Policy 5145.13 - Response to Immigrant Enforcement, 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 /warrant. If a district employee receives such a request, ~~he/she~~ the employee shall ~~immediately report the request~~ respond in accordance with Board Policy 5145.13 - Response to Immigrant Enforcement. 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~~district or ~~designee~~any district employee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, ~~nor shall he/she or~~ disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. ~~Such~~This prohibition does not apply to information ~~may only be compiled or exchanged with other local, state, or federal agencies if the information that~~ is aggregated and is not personally identifiable. (Government Code 8310.3)

The Superintendent or designee shall develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. (Family Code 6323.5)

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 (Education Code 49073.6)

Retention, Disclosure, and Security of Student Records

The Superintendent or designee shall ensure the confidentiality of student records as required by law and shall establish processes and procedures to safeguard data against damage, loss, or theft, including damage, loss, or theft, which may be caused by the use of technology, including artificial intelligence and breaches to the district's digital infrastructure, in the retention or disclosure of student records. Additionally, in accordance with Board Policy 5145.13 - Response to Immigration Enforcement, all district staff shall avoid the disclosure of information that may indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by law.

The Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect student records from breaches to the district's digital infrastructure.

If the district experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

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

State

Description

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

K-12 Pupil 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

Ed. Code 17604

Delegation of powers to agents

Ed. Code 220.3

Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression

Ed. Code 234.7

Student protections relating to immigration and citizenship status

Ed. Code 35266

Reporting of cyberattacks

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](#)

[Ed. Code 60900-60901](#)

[Ed. Code 69432.9](#)

[Ed. Code 69475](#)

[Fam. Code 3025](#)

[Fam. Code 6323.5](#)

[Fam. Code 6552](#)

[Gov. Code 7920.000-7930.215](#)

[H&S Code 120440](#)

[Pen. Code 245](#)

[W&I Code 16010](#)

[W&I Code 681](#)

[W&I Code 701](#)

Federal

[15 USC 6501-6506](#)

[16 CFR Part 312](#)

[20 USC 1232g](#)

[20 USC 1232h](#)

[26 USC 152](#)

[34 CFR 300.501](#)

[34 CFR 99.1-99.8](#)

[42 USC 11434a](#)

Management Resources

[CA Office of the Attorney General
Publication](#)

[CSBA Publication](#)

[Foster parents](#)

[California Longitudinal Pupil Achievement Data System](#)

[Cal Grant program; notification of grade point average](#)

[Conditional repeal of Cal Grant program](#)

[Access to records by noncustodial parents](#)

[Ex parte orders](#)

[Caregiver's authorization affidavit](#)

[California Public Records Act](#)

[Immunizations; disclosure of information](#)

[Assault with deadly weapon](#)

[Health and education records of a minor](#)

[Truancy petitions](#)

[Juvenile court law](#)

Description

[Children's Online Privacy Protection Act](#)

[Children's Online Privacy Protection Rule](#)

[Family Educational Rights and Privacy Act \(FERPA\) of
1974](#)

[Protection of Pupil Rights Amendment](#)

[Definition of dependent child](#)

[Opportunity to examine records for parents of student
with disability](#)

[Family Educational Rights and Privacy Act](#)

[McKinney-Vento Homeless Assistance Act; definitions](#)

Description

[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,
December 2024](#)

[Understanding Artificial Intelligence in K-12 Education:
What Governance Teams Should Know, September
2023](#)

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
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019
U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021
U.S. Department of Education Publication	Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, rev. 2019
U.S. Department of Education Publication	Family Educational Rights and Privacy Act, Guidance for School Officials on Student Health Records, April 2023
Website	California IT in Education, Student Data Privacy
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Protecting Student Privacy
Website	California Office of the Attorney General
Website	California Department of Education
Website	CSBA

Cross References

<u>Code</u>	<u>Description</u>
0440	District Technology Plan
0440	District Technology Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites

<u>1113-E(1)</u>	<u>District And School Websites</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>1340</u>	<u>Access To District Records</u>
<u>1340</u>	<u>Access To District Records</u>
<u>1400</u>	<u>Relations Between Other Governmental Agencies And The Schools</u>
<u>3250</u>	<u>Transportation Fees</u>
<u>3250</u>	<u>Transportation Fees</u>
<u>3260</u>	<u>Fees And Charges</u>
<u>3260</u>	<u>Fees And Charges</u>
<u>3290</u>	<u>Gifts, Grants And Bequests</u>
<u>3312</u>	<u>Contracts</u>
<u>3515</u>	<u>Campus Security</u>
<u>3515</u>	<u>Campus Security</u>
<u>3515.3</u>	<u>District Police/Security Department</u>
<u>3515.3</u>	<u>District Police/Security Department</u>
<u>3553</u>	<u>Free And Reduced Price Meals</u>
<u>3553</u>	<u>Free And Reduced Price Meals</u>
<u>3555</u>	<u>Nutrition Program Compliance</u>
<u>3555-E(1)</u>	<u>Nutrition Program Compliance</u>
<u>3580</u>	<u>District Records</u>
<u>3580</u>	<u>District Records</u>
<u>4040</u>	<u>Employee Use Of Technology</u>
<u>4040-E(1)</u>	<u>Employee Use Of Technology</u>
<u>4112.6</u>	<u>Personnel Files</u>

<u>4113.5</u>	<u>Working Remotely</u>
<u>4117.7</u>	<u>Employment Status Reports</u>
<u>4119.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4158</u>	<u>Employee Security</u>
<u>4158</u>	<u>Employee Security</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4213.5</u>	<u>Working Remotely</u>
<u>4219.21</u>	<u>Professional Standards</u>
<u>4219.21-E(1)</u>	<u>Professional Standards</u>
<u>4219.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4258</u>	<u>Employee Security</u>
<u>4258</u>	<u>Employee Security</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4313.5</u>	<u>Working Remotely</u>
<u>4317.7</u>	<u>Employment Status Reports</u>
<u>4319.21</u>	<u>Professional Standards</u>
<u>4319.21-E(1)</u>	<u>Professional Standards</u>
<u>4319.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4358</u>	<u>Employee Security</u>
<u>4358</u>	<u>Employee Security</u>
<u>5000</u>	<u>Concepts And Roles</u>
<u>5020</u>	<u>Parent Rights And Responsibilities</u>
<u>5020</u>	<u>Parent Rights And Responsibilities</u>
<u>5021</u>	<u>Noncustodial Parents</u>
<u>5022</u>	<u>Student And Family Privacy Rights</u>
<u>5022</u>	<u>Student And Family Privacy Rights</u>
<u>5111</u>	<u>Admission</u>

<u>5111</u>	<u>Admission</u>
<u>5111.1</u>	<u>District Residency</u>
<u>5111.1</u>	<u>District Residency</u>
<u>5111.2</u>	<u>Nonresident Foreign Students</u>
<u>5112.1</u>	<u>Exemptions From Attendance</u>
<u>5112.1</u>	<u>Exemptions From Attendance</u>
<u>5112.2</u>	<u>Exclusions From Attendance</u>
<u>5113.1</u>	<u>Chronic Absence And Truancy</u>
<u>5113.1</u>	<u>Chronic Absence And Truancy</u>
<u>5113.12</u>	<u>District School Attendance Review Board</u>
<u>5113.12</u>	<u>District School Attendance Review Board</u>
<u>5113.2</u>	<u>Work Permits</u>
<u>5113.2</u>	<u>Work Permits</u>
<u>5119</u>	<u>Students Expelled From Other Districts</u>
<u>5121</u>	<u>Grades/Evaluation Of Student Achievement</u>
<u>5121</u>	<u>Grades/Evaluation Of Student Achievement</u>
<u>5123</u>	<u>Promotion/Acceleration/Retention</u>
<u>5123</u>	<u>Promotion/Acceleration/Retention</u>
<u>5125.1</u>	<u>Release Of Directory Information</u>
<u>5125.1</u>	<u>Release Of Directory Information</u>
<u>5125.1-E(1)</u>	<u>Release Of Directory Information</u>
<u>5125.2</u>	<u>Withholding Grades, Diploma Or Transcripts</u>
<u>5125.3</u>	<u>Challenging Student Records</u>
<u>5126</u>	<u>Awards For Achievement</u>
<u>5126</u>	<u>Awards For Achievement</u>
<u>5131.1</u>	<u>Bus Conduct</u>
<u>5131.1</u>	<u>Bus Conduct</u>
<u>5131.2</u>	<u>Bullying</u>
<u>5131.2</u>	<u>Bullying</u>
<u>5131.61</u>	<u>Drug Testing</u>

<u>5131.7</u>	<u>Weapons And Dangerous Instruments</u>
<u>5131.7</u>	<u>Weapons And Dangerous Instruments</u>
<u>5138</u>	<u>Conflict Resolution/Peer Mediation</u>
<u>5141.21</u>	<u>Administering Medication And Monitoring Health Conditions</u>
<u>5141.21</u>	<u>Administering Medication And Monitoring Health Conditions</u>
<u>5141.22</u>	<u>Infectious Diseases</u>
<u>5141.22</u>	<u>Infectious Diseases</u>
<u>5141.23</u>	<u>Asthma Management</u>
<u>5141.23</u>	<u>Asthma Management</u>
<u>5141.24</u>	<u>Specialized Health Care Services</u>
<u>5141.26</u>	<u>Tuberculosis Testing</u>
<u>5141.27</u>	<u>Food Allergies/Special Dietary Needs</u>
<u>5141.27</u>	<u>Food Allergies/Special Dietary Needs</u>
<u>5141.3</u>	<u>Health Examinations</u>
<u>5141.3</u>	<u>Health Examinations</u>
<u>5141.31</u>	<u>Immunizations</u>
<u>5141.31</u>	<u>Immunizations</u>
<u>5141.32</u>	<u>Health Screening For School Entry</u>
<u>5141.33</u>	<u>Head Lice</u>
<u>5141.52</u>	<u>Suicide Prevention</u>
<u>5141.52</u>	<u>Suicide Prevention</u>
<u>5141.6</u>	<u>School Health Services</u>
<u>5141.6</u>	<u>School Health Services</u>
<u>5142.1</u>	<u>Identification And Reporting Of Missing Children</u>
<u>5144</u>	<u>Discipline</u>
<u>5144</u>	<u>Discipline</u>
<u>5144.1</u>	<u>Suspension And Expulsion/Due Process</u>
<u>5144.1</u>	<u>Suspension And Expulsion/Due Process</u>

<u>5144.2</u>	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
<u>5144.4</u>	<u>Required Parental Attendance</u>
<u>5144.4</u>	<u>Required Parental Attendance</u>
<u>5145.12</u>	<u>Search And Seizure</u>
<u>5145.12</u>	<u>Search And Seizure</u>
<u>5145.13</u>	<u>Response To Immigration Enforcement</u>
<u>5145.13</u>	<u>Response To Immigration Enforcement</u>
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.6</u>	<u>Parent/Guardian Notifications</u>
<u>5145.6-E(1)</u>	<u>Parent/Guardian Notifications</u>
<u>5145.7</u>	<u>Sex Discrimination and Sex-Based Harassment</u>
<u>5145.7</u>	<u>Sex Discrimination and Sex-Based Harassment</u>
<u>5148</u>	<u>Child Care And Development</u>
<u>5148</u>	<u>Child Care And Development</u>
<u>5148.3</u>	<u>Preschool/Early Childhood Education</u>
<u>5148.3</u>	<u>Preschool/Early Childhood Education</u>
<u>6142.7</u>	<u>Physical Education And Activity</u>
<u>6142.7</u>	<u>Physical Education And Activity</u>
<u>6143</u>	<u>Courses Of Study</u>
<u>6143</u>	<u>Courses Of Study</u>
<u>6145.2</u>	<u>Athletic Competition</u>
<u>6145.2</u>	<u>Athletic Competition</u>
<u>6146.11</u>	<u>Alternative Credits Toward Graduation</u>
<u>6146.11</u>	<u>Alternative Credits Toward Graduation</u>
<u>6146.2</u>	<u>Certificate Of Proficiency/High School Equivalency</u>
<u>6146.2</u>	<u>Certificate Of Proficiency/High School Equivalency</u>
<u>6146.2-E(1)</u>	<u>Certificate Of Proficiency/High School Equivalency</u>
<u>6158</u>	<u>Independent Study</u>

<u>6158</u>	<u>Independent Study</u>
<u>6159</u>	<u>Individualized Education Program</u>
<u>6159</u>	<u>Individualized Education Program</u>
<u>6159.1</u>	<u>Procedural Safeguards And Complaints For Special Education</u>
<u>6159.1</u>	<u>Procedural Safeguards And Complaints For Special Education</u>
<u>6159.2</u>	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>
<u>6159.2</u>	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>
<u>6159.3</u>	<u>Appointment Of Surrogate Parent For Special Education Students</u>
<u>6159.3</u>	<u>Appointment Of Surrogate Parent For Special Education Students</u>
<u>6162.5</u>	<u>Student Assessment</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>6162.8</u>	<u>Research</u>
<u>6162.8</u>	<u>Research</u>
<u>6163.4</u>	<u>Student Use Of Technology</u>
<u>6163.4-E(1)</u>	<u>Student Use Of Technology</u>
<u>6164.2</u>	<u>Guidance/Counseling Services</u>
<u>6164.5</u>	<u>Student Success Teams</u>
<u>6164.5</u>	<u>Student Success Teams</u>
<u>6164.6</u>	<u>Identification And Education Under Section 504</u>
<u>6164.6</u>	<u>Identification And Education Under Section 504</u>
<u>6172.1</u>	<u>Concurrent Enrollment In College Classes</u>
<u>6172.1</u>	<u>Concurrent Enrollment In College Classes</u>
<u>6173</u>	<u>Education For Homeless Children</u>
<u>6173</u>	<u>Education For Homeless Children</u>

<u>6173-E(1)</u>	<u>Education For Homeless Children</u>
<u>6173-E(2)</u>	<u>Education For Homeless Children</u>
<u>6173.1</u>	<u>Education For Foster Youth</u>
<u>6173.1</u>	<u>Education For Foster Youth</u>
<u>6173.2</u>	<u>Education Of Children Of Military Families</u>
<u>6173.2</u>	<u>Education Of Children Of Military Families</u>
<u>6173.3</u>	<u>Education For Juvenile Court School Students</u>
<u>6175</u>	<u>Migrant Education Program</u>
<u>6175</u>	<u>Migrant Education Program</u>
<u>6178.1</u>	<u>Work-Based Learning</u>
<u>6178.1</u>	<u>Work-Based Learning</u>
<u>9011</u>	<u>Disclosure Of Confidential/Privileged Information</u>
<u>9012</u>	<u>Board Member Electronic Communications</u>
<u>9321</u>	<u>Closed Session</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>