

STUDENT RECORDS

Definitions

"Parent" means a natural parent, adoptive parent, or legal guardian. (Education Code 49061)

If parents are divorced or legally separated, only a parent having legal custody of the student 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. (Education Code 49061)

(cf. 5021 - Non-custodial Parents)

"Adult student" means a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Once a student reaches the age of 18 or attends a post-secondary school, he/she alone shall exercise rights related to his/her student records and grant consent for the release of records. (Education Code 49061)

"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. (Education Code 49061)

"Personally identifiable information" includes but is not limited to the student's name, the name of the student's parent 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, a list of personal characteristics or other information that would make the student's identity easily traceable. (34 CFR 99.3)

"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. (34 CFR 99.3)

"Student record" means any item of information, other than directory information, directly related to an identifiable student and maintained by the District or required to be maintained by a school employee in the performance of his/her duties whether recorded in handwriting, print, tapes, film, microfilm or by other means. The student record shall include the student's health record. (Education Code 49061; 34 CFR 99.3)

"Student record" means information relative to a student gathered within or without the school system. Any information maintained for the purpose of second party review is considered a student record. (5 CCR 430)

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"Student record" shall not include informal notes about a student which a school employee keeps for private use and are not revealed to any other person except a substitute. (Education Code 49061)

"Eligible student" means a person 16 years or older or who has completed grade 10. (5 CCR 430)

"School officials and employees" are Board of Education members, District certificated employees and District administrators.

A "legitimate educational interest" is one held by officials or employees whose duties and responsibilities to the District require that they have access to student records.

"Mandatory permanent student records," or exact copy, which shall be kept indefinitely, include: (5 CCR 432)

1. Legal name of student
2. Date and place of birth
3. Method of verification of birth date
4. Sex of student
5. Name and address of parent of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent's name and address and student's residence
6. Entering and leaving date of each school year and for any summer session or other extra session
7. Subjects taken during each year, half-year, summer session or quarter and marks or grades given
8. Verification of required immunizations or waiver
9. Date of high school graduation or equivalent

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"Mandatory interim student records," which may be destroyed after a stipulated length of time, include: (5 CCR 432)

1. A log identifying persons or agencies who request or receive information from the student record
2. Health information, including Child Health Development Disabilities Prevention Program verification or waiver
3. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
4. Language training records
5. Progress slips/notices required by Education Code 49066 and 49067
6. Parental stipulations regarding access to directory information
7. Parent or adult student rejoinders to challenged records and to disciplinary action
8. Parental authorization or denial of student participation in specific programs
9. Results of standardized tests given within the past three years

"Permitted records," kept only as currently useful for appropriate educational purposes, may include: (5 CCR 432)

1. Objective counselor/teacher ratings
2. Disciplinary notices and data
3. Verified reports of relevant behavior patterns
4. Standardized test results older than three years
5. Supplementary attendance records

Retention and Destruction of 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 or adult student. (5 CCR 437)

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Mandatory permanent student records shall be kept in perpetuity. Unless forwarded to another District mandatory interim student records may be destroyed three years after determining that their usefulness has ceased or that the student has left the District. Permitted student records may be destroyed when their usefulness ceases. They may be destroyed six months after the student completes or withdraws from the educational program. (5 CCR 437)

Records shall be destroyed in a way that guarantees they will not be viewed by the public. (5 CCR 437)

Access to Student Records

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

Access to parents shall be provided within five days, during school hours. (Education Code 49069)

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. (Education Code 49076)

Persons, agencies or organizations not afforded access rights may be granted access only through written permission of the adult student or the parent. (Education Code 49075)

Those granted access are prohibited from releasing information to another person or agency without written permission from the parent or adult student. (Education Code 49076)

Certificated personnel shall be available to interpret records where appropriate. (Title 5, Section 431)

Mandatory Access

The following persons or agencies shall have access to student records within five days following the date of request:

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1. Natural parents, adoptive parents, or legal guardians of students younger than age 18. (Education Code 49069)
2. Adult students. (Education Code 49061)
3. Those so authorized in compliance with a court order or lawfully issued subpoena. (Education Code 49077) If lawfully possible, the District shall first give the parent or adult student three days' notice, telling who is requesting what records. (5 CCR 435)

The following persons or agencies shall have access to those particular records which are relevant to the legitimate educational interests of the requester: (Education Code 49076)

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older
2. Students 16 or older or who have completed the 10th grade
3. School officials and employees
4. School attendance and review board members
5. Officials or employees of other public schools or school systems 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
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. County child welfare services workers responsible for the case plan of a minor who is being placed in foster care. (Welfare and Institutions Code 16010)

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Upon written request, peace officers designated by their law enforcement agency shall receive information about the transfer of a student's records to another District or private school within the state, or to a District within another state, when authorized by law to assist in suspected kidnapping investigations. (Education Code 49076.5)

Permitted Access

Parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, so long as those persons have a legitimate interest in the information. (Education Code 49076)

The District may release information from student records to the following: (Education Code 49076)

1. Appropriate persons in an emergency if health and safety are at stake
2. Agencies or organizations in connection with student's application for financial aid
3. Accrediting associations
4. Organizations conducting studies on behalf of educational institutions or agencies, as limited by Education Code 49076.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the parental rights in Education Code 49068.

County elections officials may have access to information for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register. (Education Code 49076)

Log

For each student's record, the school custodian of records shall keep a log identifying all persons, agencies or organizations requesting or receiving information from the record. The log does not have to be signed by: (Education Code 49064)

1. Parents or adult students
2. Students 16 years of age or older who have completed the 10th grade
3. Parties obtaining District-approved directory information

(cf. 5125.1 - Release of Directory Information)

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4. Parties who provide written parental consent. In this case, the consent notice shall be filed with the record
5. School officials or employees who have legitimate educational interest

The log shall be accessible only to the legal parent or guardian, eligible student, adult student, dependent adult student, custodian of records and certain state/federal officials. (Education Code 49064; 5 CCR 432)

Notification of Parents

Upon students' initial enrollment and at the beginning of each year thereafter, the District shall notify parents in writing of their rights related to student records. Insofar as practicable, these notices shall be written in the student's home language and also shall notify parents/guardians who are disabled. Parents also shall be notified that: (Education Code 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

1. They may inspect and review student records during regular school hours
2. What types of student records are kept
3. The location of all official student records
4. The titles of the officials responsible for maintaining the records
5. The location of the log identifying those who request information from the records
6. District criteria for defining "school officials and employees" and for determining "legitimate educational interest"
7. District policies for reviewing and expunging student records
8. District procedures for challenging the content of student records

(cf. 5125.3 - Challenging Student Records)

9. The cost, if any, charged for reproducing copies of records

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10. The categories of information defined as directory information pursuant to Education Code 49073
11. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the District to comply with the provisions of Section 438 of the Federal Educational Rights and Privacy Act (20 USC 1232g)
12. The availability of qualified certificated personnel to interpret records when requested (Education Code 49069)
13. 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 (34 CFR 99.34)

Reproduction of Student Records

To provide copies of any student record, the District shall charge a reasonable fee not to exceed the actual cost of furnishing 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. (Education Code 49065)

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

Transfer of Student Records

When a student transfers to another school District or to a private school, this District shall forward a copy of his/her mandatory permanent records as requested by the other district or private school. The original or a copy shall be retained permanently by this District. (5 CCR 438)

Mandatory interim records shall be sent upon request to other California public school districts. Mandatory interim records may also be sent to out-of-state or private schools requesting them. (5 CCR 438)

Permitted records may be sent to any other public school district or private school. (5 CCR 438)

All student records shall be updated before they are transferred. (5 CCR 438)

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If the student transfers into the District from any other school district or a private school, this District shall inform the parent of his/her right to receive a copy of the permanent record received from the former school. The parent also shall be informed of his/her right to have a hearing in which to challenge the contents of that record. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent. (5 CCR 438)

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.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)