

## STUDENT RECORDS

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The Superintendent or designee shall establish administrative regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy.

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.

### 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.

### 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.

### LEGAL REFERENCE

#### EDUCATION CODE

|               |  |
|---------------|--|
| 17604         | Contracts  |
| 48201         | Student records for transfer students who have been suspended/expelled |
| 48853.5       | Foster youth; placement, immunizations                                 |
| 48902         | Notification of law enforcement of specified violations                |
| 48904-48904.3 | Withholding grades, diplomas, or transcripts                           |
| 48918         | Rules governing expulsion procedures                                   |
| 48980         | Parental notifications   |
| 48985         | Notices in parent/guardian's primary language                          |
| 49060-49079   | Student records  |
| 49091.14      | Parental review of curriculum  |
| 51747         | Independent study  |

|         |  |
|---------|--|
| 56041.5 | Rights of students with disabilities                   |
| 56050   | Surrogate parents                                      |
| 56055   | Foster parents   |
| 69432.9 | Cal Grant program; notification of grade point average |

**BUSINESS AND PROFESSIONS CODE**

|             |  |
|-------------|--|
| 22580-22582 | Digital privacy                                    |
| 22584-22585 | Student Online Personal Information Protection Act |

**CODE OF CIVIL PROCEDURE**

|        |                      |
|--------|----------------------|
| 1985.3 | Subpoena duces tecum |
|--------|----------------------|

**FAMILY CODE**

|      |   |
|------|---|
| 3025 | Access to records by noncustodial parents |
| 6552 | Caregiver's authorization affidavit       |

**GOVERNMENT CODE**

|           |                              |
|-----------|------------------------------|
| 6252-6260 | Inspection of public records |
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**HEALTH AND SAFETY CODE**

|        |  |
|--------|--|
| 120440 | Immunizations; disclosure of information |
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**PENAL CODE**

|     |                            |
|-----|----------------------------|
| 245 | Assault with deadly weapon |
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**WELFARE AND INSTITUTIONS CODE**

|       |   |
|-------|---|
| 681   | Truancy petitions                       |
| 701   | Juvenile court law                      |
| 16010 | Health and education records of a minor |

**CODE OF REGULATIONS, TITLE 5**

|             |  |
|-------------|--|
| 430-438     | Individual student records                 |
| 16020-16027 | Destruction of records of school districts |

**UNITED STATES CODE, TITLE 20**

|       |   |
|-------|---|
| 1232g | Family Educational Rights and Privacy Act |
| 1232h | Protection of Pupil Rights Amendment      |

**UNITED STATES CODE, TITLE 26**

|     |                               |
|-----|-------------------------------|
| 152 | Definition of dependent child |
|-----|-------------------------------|

**UNITED STATES CODE, TITLE 42**

|        |   |
|--------|---|
| 11434a | McKinney-Vento Homeless Assistance Act; definitions |
|--------|---|

**CODE OF FEDERAL REGULATIONS, TITLE 16**

|          |   |
|----------|---|
| Part 312 | Children's Online Privacy Protection Rule |
|----------|---|

**CODE OF FEDERAL REGULATIONS, TITLE 34**

99.1-99.67 Family Educational Rights and Privacy  
300.501 Opportunity to examine records for parents of student with disability

**MANAGEMENT RESOURCES****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 PUBLICATIONS**

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 PUBLICATIONS**

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, 2008  
Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007

**WEB SITES**

California Department of Education: <http://www.cde.ca.gov>  
National School Boards Association: <http://www.nsba.org>  
U.S. Department of Education, Family Policy Compliance, <http://www.ed.gov/policy/gen/guid/fpco>