

# Wm. S. Hart UHS District

## Board Policy

### Student Records

BP 5125

Students

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.

*(cf. 3580 - District Records)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 5125.3 - Challenging Student Records)*

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.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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)

*(cf. 5145.13 - Response to Immigration Enforcement)*

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)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.6 - Parental Notifications)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

#### 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.

*(cf. 3312 - Contracts)*

#### *Legal Reference:*

##### **EDUCATION CODE**

*234.7 Student protections relating to immigration and citizenship status*

*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*  
22586-22587 *Early Learning 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*  
**HEALTH AND SAFETY CODE**  
120440 *Immunizations; disclosure of information*  
**PENAL CODE**  
245 *Assault with deadly weapon*  
**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:**

**CSBA PUBLICATIONS**

*Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017*

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**

*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*

**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**

*IDEA and FERPA Confidentiality Provisions, 2014*

*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**

CSBA: <http://www.csba.org>

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/fpc>