

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students  
STUDENT RECORDS**

The County Superintendent and County Board recognize the importance of keeping accurate, comprehensive student records as required by law. The County 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 in accordance with state and federal law.

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the County Superintendent's Cabinet level. At each school, the lead site administrator 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 the policy and administrative regulation regarding student records. (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 County Superintendent or designee shall provide documentation to the operator that the student has not been enrolled for at least 60 days. (Business and Professions Code 22584)

All appropriate personnel shall receive training regarding County Superintendent and County Board policies and procedures for gathering and handling sensitive student information, including which information should not be solicited.

The County Superintendent 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)

The immigration or citizenship status of a student or a student's family member may only be collected and disclosed in accordance with Superintendent and Board Policy 1445 and Superintendent Administrative Regulation 1445 - Response to Immigration Enforcement.

The County Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, or disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. This prohibition does not apply to information that is aggregated and is not personally identifiable. (Government Code 8310.3)

The County 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)

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Retention, Disclosure, and Security of Student Records**

The County 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 County Superintendent's digital infrastructure, in the retention or disclosure of student records.

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

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

**Contract for Digital Storage, Management, and Retrieval of Student Records**

The County 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.

Adopted: 12/08/2011

Amended: 10/15/2020, 11/20/2025, 02/19/2026

**Legal Reference****Education Code**

- 234.7 Student protections relating to immigration and citizenship status
- 17604 Contracts
- 35266 Reporting of cyberattacks
- 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
- 51745 Independent study
- 56041.5 Rights of students with disabilities
- 56050 Surrogate parents
- 56055 Foster parents
- 60900-60901 California Longitudinal Pupil Achievement Data System
- 69432.9 Cal Grant program; notification of grade point average

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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69475 Conditional repeal of Cal Grant program

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

6323.5 Ex parte orders

6552 Caregiver's authorization affidavit

Government Code

7920.000-7930.215 California Public Records Act

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
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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

Court Decisions

Owasso Indep. Sch. Dist. v. Falvo (2002) 534 U.S. 426, 432-33

S.A. v. Tulare Co. Office of Ed. & California Dept. of Ed. (E.D. Cal., Sept. 24, 2009/Oct. 6, 2009, No. CV F 08-1215) 2009 WL 3126322/2009 WL 3296653

**Management Resources**

CSBA Publications

Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023

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 TK-12 Schools in Responding to Requests for Access and Information for Immigration Purposes, December 2025

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 Publications

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

School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019

An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023

A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021

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

Websites

California Department of Education: <http://www.cde.ca.gov>

California Attorney General's Office: <https://oag.ca.gov/>

U.S. Department of Education, Protecting Student Privacy:

<https://studentprivacy.ed.gov/>