

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, 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.

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)

All appropriate personnel shall receive training regarding County Superintendent and County Board policies and procedures for gathering and handling sensitive student information.

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)

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 County 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 County Superintendent employee receives such a request, he/she shall immediately report the request to the County Superintendent. (Education Code 234.7)

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, 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)

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

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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

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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

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

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

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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

Websites

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/fpco>

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