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
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

Court Decisions

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

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

Websites
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
National School Boards Association: http://www.nsba.org

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