

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY

Student Records

SP 5125

Students

The County 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.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the county office 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 county office policies and procedures for gathering and handling sensitive student information.

The county office 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 county office 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)

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

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The Superintendent or designee may gather and maintain information from the social media of any county office student, provided that the county office 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)

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.

REFERENCES

State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. Code 22580-22582	<u>Privacy Rights for California Minors in the Digital World</u>
Bus. Code 22584-22585	<u>Student Online Personal Information Protection Act</u>
Bus. Code 22586-22587	<u>Early Learning Personal Information Protection Act</u>
CCP. 1985.3	<u>Subpoena duces tecum</u>
Ed. Code 17604	Delegation of powers to agents
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48201	Student records for transfer students who have been suspended/expelled
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parental notifications
Ed. Code 48985	Notices in parent/guardian's primary language
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum

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State	Description
Ed. Code 51747	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 6252-6260	Inspection of public records
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

Federal	Description
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Protection of Pupil Rights Amendment
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents of student with disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	Description
CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
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

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Management Resources	Description
National School Boards Association Publication	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 Publication	IDEA and FERPA Confidentiality Provisions, 2014
U.S. Department of Education Publication	Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
U.S. Department of Education Publication	Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
Website	<u>U.S. Department of Education, Family Policy Compliance Office</u>
Website	<u>National School Boards Association</u>
Website	<u>CSBA</u>
Website	<u>California Department of Education</u>

Cross References

Code	Description
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
3290	<u>Gifts, Grants And Bequests</u>
4040	<u>Employee Use Of Technology</u>
4040-E(1)	<u>Employee Use Of Technology</u>
4158	<u>Employee Security</u>
4258	<u>Employee Security</u>
4358	<u>Employee Security</u>
9011-B	<u>Disclosure Of Confidential/Privileged Information</u>
9321-B	<u>Closed Session</u>

APPROVED BY COUNTY SUPERINTENDENT OF SCHOOLS: 12/4/2020