

STUDENT RECORDSDefinitions

A *student record* is any item of information, other than directory information, gathered within or outside the Office of Education that is directly related to an identifiable student and maintained by the Office of Education or required to be maintained by an employee in the performance of his/her duties. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or by other means. Student records include the student's health record.

Student records do not include:

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee
3. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student
4. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation or administrative directive.

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation or administrative directive.

Permitted student records are those records having clear importance only to the current educational process of the student.

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record.

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written or electronic means.

Personally identifiable information includes but is not limited to:

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier such as the student's social security number, student number, or biometric record (e.g. fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

Information requested by a person who the Office of Education reasonably believes knows the identity of the student to whom the student record *Adult student* is a person who is or was enrolled in school and who is at least 18 years of age.

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent.

School officials and employees are officials or employees whose duties and responsibilities to the Office of Education, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement of contract with the Office of Education regarding the provision of services or functions outsourced to him/her by the Office of Education. Contractor or consultant shall not include a volunteer or other party.

A *legitimate educational interest* is one held by officials or employees whose duties and responsibilities to the Office of Education, whether

routine or as a result of special circumstances, require that they have access to student records.

Custodian of records is the employee responsible for the security of student records maintained by the Office of Education and for devising procedures for assuring that access to such records is limited to authorized persons.

County placing agency means the county social service department or county probation department.

Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student.

Only a parent/guardian having legal custody of the student may challenge the content of a record or offer a written response to a record.

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The district is not required to modify records that the former student has not requested for modification or reissuance.

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender

5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records.

Retention and Destruction of Student Records

The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student
2. Date and place of birth, and method of verifying birth date
3. Gender of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure date of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session or quarter, and marks or credits given
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Unless forwarded to another Office of Education, mandatory interim student records shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the Office of Education. These records include:

1. Expulsion orders and the causes therefor
2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including Child Health and Disability Prevention Program verification or waiver
4. Information on participation in special education programs,

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- including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
5. Language training records
 6. Progress slips/notices required by Education Code 49066 and 49067
 7. Parental restrictions/stipulations regarding access to directory information
 8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
 9. Parent/guardian authorization or denial of student participation in specific programs
 10. Results of standardized tests administered within the past three years

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

1. Objective counselor/teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction.

Persons with Access to Student Records

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have a legitimate educational interest in the information.

The following persons or agencies shall have absolute access to any and all student records in accordance with state law:

1. Natural parents, adoptive parents, or legal guardians of students younger than age 18

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- a. Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent.
2. Adult students age 18 or older or students under the age of 18 who attend a postsecondary institution, in which case the student shall alone exercise rights related to his/her student records and grant consent for the release of records
3. Those so authorized in compliance with a court order or lawfully issued subpoena

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interests of the requester:

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older
2. Students 16 or older or who have completed the 10th grade
3. School officials and Office of Education employees
4. Members of a school attendance review board, and any volunteer aide age 18 or older who has been investigated, selected and trained by such a board to provide follow-up services to a referred student
5. Officials and employees of other public schools or school systems where the student intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's transfer

When the Office of Education discloses personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Principal or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record.

6. Federal, state and local officials, as needed for program audits or compliance with law
7. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena

Unless otherwise instructed by the court, the Principal or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order.

8. Any Office of Education attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition
9. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
10. Any probation officer or Office of Education attorney or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation

When disclosing records for these purposes, the Principal or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law.

11. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Principal or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.

12. County child welfare services workers responsible for the case plan of a minor who is being placed in foster care shall have access to the student's school records
13. Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any Individualized Education Program (IEPs) developed and maintained by the Office of Education with respect to such students

14. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245

When disclosing such records, the Principal or designee shall obtain written certification by the recipient of the records.

15. Designated peace officers, federal criminal investigators, and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency in accordance with Education Code 49076.5, in cases where the district is authorized to assist law enforcement in investigations of suspected kidnapping

In such cases, the Principal or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another school.

The Superintendent of Schools or designee may release a student's immunization record information to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released: the name of the student and the student's parent/guardian; types and dates of immunizations received by the student; manufacturer and lot number of the immunization received; adverse reaction to the immunization; other non-medical information necessary to establish the student's unique identity and record; current address and telephone number of the student and his/her parent/guardian; the student's gender; and the student's place of birth.

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent of Schools or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another Office of Education or private school within the state. The information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency.

The Superintendent of Schools or designee may release information from student records to the following:

1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake

2. Agencies or organizations in connection with a student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid
3. Accrediting associations
4. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction, provided that:
 - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The Office of Education enters into a written agreement with the organization that complies with 34 CFR 99.31.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34
6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register

Persons, agencies or organizations not afforded access rights pursuant to state law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order.

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the Office of Education, in writing, that such an agreement has been made.

Any person or agency granted access is prohibited from releasing

information to another person or agency without written permission from the parent/guardian or adult student unless specifically allowed by state and federal Family Education Rights and Privacy Act.

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information.

Procedures for Access

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located.

To inspect, review or obtain copies of student records, authorized persons shall submit a request to the custodian of records.

When required by law, the parent/guardian shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, a copy of the records disclosed shall be provided.

If the parent/guardian refuses to provide written consent for the release of the student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or lawful subpoena.

Within five days following the date of request, an authorized person shall be granted access to inspect, review and obtain copies of student records during regular school hours.

Qualified certificated personnel shall be available to interpret records when requested.

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons.

The custodian of records or the Superintendent of Schools or designee shall prevent the alteration, damage or loss of records during inspection. Prior to disclosing a record pursuant to a court order, the Superintendent of Schools or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order.

When the Office of Education discloses personally identifiable information to officials of another school, school system or postsecondary institution where the student seeks or intends to enroll, the Superintendent of Schools or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that was disclosed, and give him/her an opportunity for a hearing to challenge the record.

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent of Schools or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.

If the Office of Education is planning to release a student's immunization information to the county health department or state Department of Health Services, the Superintendent of Schools or designee shall inform the student's parents/guardians of the following:

1. The type of information that will be shared
2. The name and address of the agency with which the Office of Education will share the information
3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, and health care plans
4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information

on immunization status on groups of people, without identifying the student

5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors
6. That the parent/guardian may refuse to allow this information to be shared

Duplication of Student Records

To provide copies of any student record, the Office of Education shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record.

The Superintendent of Schools or designee shall set a fee and update the amount periodically if actual costs change.

Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data.

The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of the student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different than above
 - b. Annual verification of parent/guardian's name and address and student's residence

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5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits awarded
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include:

1. Expulsion orders and the causes therefor
2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including verification or waiver of health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
5. Language training records
6. Progress slips, notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or denial of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specific number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data
4. Verified reports of relevant behavior patterns
5. All disciplinary notices
6. Supplemental attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction.

Access Log

A log shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the records and the legitimate educational interest of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the school custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

The log does not need to include:

1. Parents/guardians or adult students
2. Students 16 years of age or older who have completed the 10th Grade
3. Parties obtaining Office of Education-approved directory Information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials or employees who have legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials.

Transfer of Student Records

When a student transfers into an Office of Education school from any school district or a private school, the Superintendent of Schools or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge and receive a copy of student records.

When a student transfers into an Office of Education school from a district, the Superintendent of Schools or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion.

When a student transfers from an Office of Education school to a school district or to a private school, the Superintendent of Schools or designee shall forward a copy of the student's mandatory permanent records as requested by the other district or private school. The original record or a copy shall be retained permanently by the Office of Education. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

When informed that an Office of Education student in foster care is transferring to another local educational agency, the Superintendent of Schools or designee shall cooperate to ensure that the student's health and education records are transferred to the receiving district. The Office of Education shall transfer the records within five working days of receiving notification regarding the student's new educational placement.

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian.

If the Office of Education is withholding grades, diploma or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon students' initial enrollment and at the beginning of each year thereafter, the Superintendent of Schools or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the Office of Education shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled.

The notice shall include information about:

1. The types of student records kept by the Office of Education and the information contained therein
2. The titles of the officials responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. Office of Education criteria for defining "school officials and employees" and for determining "legitimate educational interest"
5. Office of Education policies for reviewing and expunging student records
6. The right to inspect and review student records, and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions and instructional aims of every course offered by the school
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the Office

of Education to comply with 20 USC 1232g

12. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment.

The notification shall also include a statement that the Office of Education forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.