

STUDENT RECORDS

The Governing Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish administrative regulations governing the identification, description and security of student records, ~~as well as timely~~ These regulations shall ensure the rights of authorized persons. ~~parental rights~~ have timely access to review, inspect and copy student records and shall protect student's ~~the student and their~~ familyies from invasion of privacy.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act 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)

Student Records from Social Media

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district 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.

STUDENT RECORDS (continued)*Legal Reference:*EDUCATION CODE17604 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 of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48918 Rules governing expulsion procedures

48980 Parental notifications48985 Notices in parent/guardian's primary language49060-49079 ~~Pupil~~ Student records

49091.14 Parental review of curriculum

51747 Independent study56041.5 Rights of students with disabilities56050 Surrogate parents56055 Foster parents69432.9 Cal Grant program; notification of grade point averageBUSINESS AND PROFESSIONS CODE22580-22582 Digital privacy22584-22585 Student Online Personal Information Protection ActCODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavitGOVERNMENT CODE

6252-6260 Inspection of public records

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

PENAL CODE245 Assault with deadly weaponWELFARE 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 pupil 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 AmendmentUNITED STATES CODE, TITLE 26152 Definition of dependent childUNITED STATES CODE, TITLE 4211434a McKinney-Vento Homeless Assistance Act; definitionsCODE OF FEDERAL REGULATIONS, TITLE 16Part 312 Children's Online Privacy Protection RuleCODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

~~300.500 Definition of "personally identifiable"~~

300.501 Opportunity to examine records for parents of student with disability

~~300.573 Destruction of information~~

STUDENT RECORDS (continued)

Legal Reference:

COURT DECISIONS

Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10th Cir. 2000)

Management Resources:

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

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

WEB SITES

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 Office: <http://www.ed.gov/offices/OM/fpco>

Policy
adopted: December 8, 2008 (Reviewed April 5, 2010)
reviewed: August 13, 2012

SAN RAFAEL CITY SCHOOL DISTRICT
San Rafael, California